



EMPLOYMENT FIRST COMMITTEE MEETING NOTICE/AGENDA

Posted at www.scdd.ca.gov

DATE: August 15, 2012

TIME: 10:30 am- 4:00 pm

LOCATION: Woodlake Hotel Sacramento (formerly Radisson)
500 Leisure Lane
Sacramento, CA, 95815
(916) 922-2020

Pursuant to Government code Sections 11123.1 and 11125(f), individuals with disabilities who require accessible alternative formats of the agenda and related meeting materials and/or auxiliary aids/services to participate in this meeting should contact Michael Brett at (916) 322-8481 or email michael.brett@scdd.ca.gov. Requests must be received by 5:00 pm August 10, 2012.

AGENDA

**Denotes action item*

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| 1. CALL TO ORDER | O. Raynor |
| 2. ESTABLISHMENT OF QUORUM | O. Raynor |
| 3. WELCOME/INTRODUCTIONS | O. Raynor |
| 4. PUBLIC COMMENTS | |

*This item is for members of the public only to provide an opportunity to comments and/or present information to the Committee on matters **not** on the agenda. Each person will be afforded up to three minutes to speak. Written requests, if any, will be considered first. The Committee will provide a public comment period, not to exceed a total of seven minutes, for public comment prior to action on each agenda item.*

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*6. DRAFT EMPLOYMENT FIRST ANNUAL PROGRESS REPORT	C. Arroyo	6
7. EFC SELF-ADVOCATES REPORT	K. Weller C. White R. Taylor L. Cooley	
8. SoCal ASSOCIATION OF PERSONS SUPPORTING EMPLOYMENT FIRST- Kecia Weller and Becky Tschirgi		124
9. AB 2338 LEGISLATIVE UPDATE	E. Gelber	125
a. Suggestions for Legislative Focus in 2013-14		
10. EFC PRIORITY ACTIVITIES FOR 2013-14	O. Raynor	
a. Discussion by Committee		
11. CA Employment Consortium for Youth and Young Adults with Intellectual and Other Developmental Disabilities Update	O. Raynor	
12. COUNCIL 2013 GRANT UPDATE	L. Cooley	133
13. ARCA NEW DAY CONFERENCE	E. Richey	138
14. ADJOURNMENT	O. Raynor	

For additional information regarding this agenda, please contact Michael Brett,
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DRAFT
Employment First Committee (EFC) Minutes
Wednesday, April 18, 2012

Members Present

Olivia Raynor, Chair
Dan Boomer
Rachel Chen
Lisa Cooley
Robin Hansen
Connie Lapin
Bill Moore
Andrew Mudryk
Debbie Sarmento
Rachel Stewart
Robert Taylor
Kecia Weller
Barbara Wheeler
Cindy White

Members Absent

Tony Anderson
Denyse Curtwright
Dale Dutton
Eric Gelber
Dennis Petrie
Mark Polit
Eileen Richey

Others Present

Karim Alipourfard
Christofer Arroyo
Michal Clark
Sharon Galloway
Jill Larson
Carol Risley
Mark Starford
Jerita Wallace
Ed White

1. CALL TO ORDER:

The meeting was called to order by Chairperson Olivia Raynor at 10:39 a.m.

2. ESTABLISHMENT OF A QUORUM:

A quorum was established.

3. WELCOME/INTRODUCTIONS:

Attendees introduced themselves. Additionally, the following information was provided:

- Bill Moore announced that the Department of Rehabilitation (DOR) is transitioning to a team model by 2013 whereby services will be delivered through a multi-disciplinary approach – support staff, counselor, coordinator for

employment, and so on. The goal is to provide more time for the counselor to work directly with the client.

- Barbara Wheeler announced that the USC UCEDD's CA Interdisciplinary Leadership Education in Neurodevelopmental and Related Disabilities Training Program recently added a vocational rehabilitation component. Additionally, efforts are being made to bring a Project SEARCH to L.A. Children's Hospital in collaboration with L.A. Unified School District's Transition Office and Area Board 10.
- Kecia Weller announced that the CA Statewide Self Advocacy Network has gotten off the ground, is making progress, and employment is a key topic of discussion.
- Rachel Chen announced that there is a Project SEARCH at UCLA and she is looking for new employment opportunities for her son and other families.

4. PUBLIC COMMENTS

No public comments were provided.

5. APPROVAL OF OCTOBER 26, 2011 MINUTES

It was motioned, seconded (Lapin/White), and carried to approve the minutes as submitted for the January 18, 2012, meeting. (2 abstentions)

6. POST SCHOOL EMPLOYMENT GOALS

Dan Boomer and Jill Larson presented information from CDE regarding available data on transition.

7. HOW ARE EMPLOYMENT OUTCOMES MEASURED?

Bill Moore provided information concerning what data is available and with whom it resides.

8. AB 2338 LEGISLATIVE UPDATE

An update concerning AB 23338 was provided, including the current status in the legislature and possible ways it may be amended. Public comment was provided

indicating that the 4.25% cut to providers should be reinstated only for those providers who engage in priority activities, such as Employment First.

9. COUNCIL GRANT FUNDING

It was announced that the Council has a priority outcome, to increase integrated competitive employment. While area boards received a substantial amount of funding to distribute as mini-grants, this year they will receive a modest allocation. The remaining funds will be used by the Council to fund grants for statewide projects. Priorities regarding the grant funding was discussed.

10. ANNUAL PROGRESS REPORT

The work plan for the annual Employment First report was reviewed and the EFC was informed that they would have time to review the report and provide their input.

11. ADJOURNMENT

The meeting was adjourned at 3:35 P.M.

AGENDA ITEM DETAIL SHEET

ISSUE: Draft Annual Employment First Report

BACKGROUND: Chapter 231, Statutes of 2009 (Assembly Bill 287) was signed into law on October 11, 2009 with the following legislative findings and declarations:

- “Working age people with disabilities are among the most unemployed and underemployed members of society;
- People with developmental disabilities are an important and largely untapped employment resource;
- Research demonstrates that wages and hours worked increase dramatically as individuals move from facility-based to integrated employment, and suggests that other benefits include expanded social relationships, heightened self-determination, and more typical job acquisition and job roles;
- Recent data indicate that, with 13 percent of working age individuals with developmental and intellectual disabilities in competitive or supported employment, California ranks 41st when compared with other states;
- Because the likelihood of individuals with developmental disabilities obtaining employment is greater if they move directly from school to work, education programs should prepare transition age students for employment in community settings;
- Increasing integrated and gainful employment opportunities for people with developmental disabilities requires collaboration and cooperation by state and local agencies, including, but not limited to, the State Department of Developmental Services and regional centers, the State Council on Developmental Disabilities, the Department of Rehabilitation, the State Department of Education and local school districts, and the Employment Development Department;
- The Legislature places a high priority on providing supported employment and other integrated employment opportunities for working-age adults with developmental disabilities; and
- In developing the individual program plan pursuant to Section 4646.5 of the Welfare and Institutions Code, planning teams are encouraged to discuss school-to-work opportunities during individual program plan meetings beginning when a consumer reaches 14 years of age, and regional center representatives are encouraged to inform the consumer, parent, legal guardian, or conservator that the

regional center is available, upon request, to participate in the consumer's individualized education plan meetings to discuss transition planning”.

Chapter 231 mandates the Council to:

- Form a standing Employment First Committee;
- Identify the respective roles and responsibilities of state and local agencies in enhancing integrated and gainful employment opportunities for people with developmental disabilities;
- Identify strategies, best practices, and incentives for increasing integrated employment and gainful employment opportunities for people with developmental disabilities, including, but not limited to, ways to improve the transition planning process for students 14 years of age or older, and to develop partnerships with, and increase participation by, public and private employers and job developers;
- Identify existing sources of employment data and recommending goals for, and approaches to measuring progress in, increasing integrated employment and gainful employment of people with developmental disabilities;
- Recommend legislative, regulatory, and policy changes for increasing the number of individuals with developmental disabilities in integrated employment, self-employment, and microenterprises, and who earn wages at or above minimum wage, including, but not limited to, recommendations for improving transition planning and services for students with developmental disabilities who are 14 years of age or older;
- Develop an Employment First Policy; and
- By July 1, 2011, and annually thereafter, provide a report to the appropriate policy committees of the Legislature and to the Governor describing its work and recommendations. The report due by July 1, 2011, shall include the proposed Employment First Policy

In response to this mandate, the Council appointed an Employment First Committee (EFC), as outlined in the statute, as well as a number of providers and others to serve in a consultative role with the EFC. The EFC and consultants formed five subcommittees to address barriers to employment, public benefits and employment, employer issues, innovative strategies, and transition from high school to adult life. The subcommittees were balanced to ensure each had representation of at least one EFC member, one individual with developmental disabilities, one provider of services, one family member, and staff from relevant state departments. Individuals with developmental disabilities were offered and provided facilitation to ensure their full and equal participation. Each subcommittee gathered information and developed proposed,

strategies designed to enhance employment opportunities for individuals with developmental disabilities.

ANALYSIS/DISCUSSION: It is important to understand, that with the passage of this legislation comes a long-term commitment for Council activities focused on employment issues, maintenance of a standing EFC, and annual reports.

This initial report contained an Employment First policy that asserts the right of individuals with developmental disabilities to work on an equal basis with others in integrated competitive employment.

This report is designed to describe the status and progress of integrated competitive employment of individuals with developmental disabilities or lack thereof. It also describes the activities of collaborating agencies toward this goal.

COUNCIL STRATEGIC PLAN OBJECTIVE: Goal #8- The State of California will adopt an Employment First policy which reflects inclusive and gainful employment as the preferred outcome for working age individuals with developmental disabilities. Goal #9- Working age adults with developmental disabilities have the necessary information, tools and supports to succeed in inclusive and gainful work opportunities

PRIOR COUNCIL ACTIVITY: The Council was the sponsor of Assembly Bill 287 and formed and supports the EFC and is the current sponsor of Assembly Bill 2338 designed to place an employment first policy in state statute.

RECOMMENDATION(S): Review/modify and recommend a draft annual Employment First Report to the State Council.

ATTACHMENT(S): Draft Annual Employment First Report

PREPARED: Report- Chris Arroyo August 2, 2012

**EMPLOYMENT FIRST:
A VISION OF CALIFORNIANS WITH DEVELOPMENTAL
DISABILITIES WORKING IN COMPETITIVE
INTEGRATED EMPLOYMENT**

UPDATED JULY 2012

Known Issues in Report:

- Table number, page number, and strategy number references all need to be checked and corrected.
- Table of Contents need to be updated. Some headers need to be re-ordered and added.
- References to the DDS report need to be double-checked. The first time it was referenced in this report may be later in the report. So need to make sure the first time it appears in the report, it sounds like it is the first mention of it. Make sure when it appears later in the report, it sounds like it as well.
- The spacing of the document – issues like tables split on multiple pages, hanging headers, awkward paragraph spacing, etc. – will be eliminated immediately before printing.

These issues will be corrected and so there is no need to offer corrections for these issues. Thank you for your review.

INSERT UPDATED LETTER FROM LEROY HERE

-On behalf of the State Council on Developmental Disabilities, I am pleased to submit the enclosed report, Employment First: A 2012 Progress Report. In this report SCDD. In this annual report SCDD presents a summary of issues reviewed and analyzed by the Employment First Committee and Council with findings and recommendations about the status of employment for individuals with ID/DD and measuring progress, roles and responsibilities of state and local agencies, and legislative status of an employment first policy for California.

Headers and page numbers need to be updated – there have been changes

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Executive Summary

“Community inclusion is fundamental to the whole idea of individuals with developmental disabilities finding jobs and choosing the ‘best’ support (natural or paid) to maintain employment.

School age children must be included in their school and community when they are young. That’s the foundation we build everything on.

Work leads to health and well-being – self-esteem, confidence, and more income. Also important it leads to increased social networks and making contributions to the greater community like paying taxes and having buying power.”¹

Background

Chapter 231, Statutes of 2009 (Assembly Bill 287) was signed into law on October 11, 2009 and directs the State Council on Developmental Disabilities to form a standing Employment First Committee (EFC), composed of identified stakeholders, and develop an Employment First policy. Additionally, the EFC is tasked with identifying numerous issues and factors pertaining to employment first, making recommendations to increase the number of individuals with developmental disabilities engaged in integrated competitive employment,² and incorporate all of this information into an annual report provided to the Governor and relevant

Employment First

Across the country, states are joining the Employment First movement, which advocates for integrated competitive employment as the desired and preferred outcome of working age individuals with developmental disabilities. Integrated employment refers to jobs where employees with

¹ Consumer Subcommittee, Employment First Committee, January 6, 2011

² See Glossary for more information.

developmental disabilities work alongside employees with and without disabilities. Competitive wages refer to earning at least minimum wage and/or earning the same as other people do performing similar work. Integrated employment includes activities such as forming one's own business. Employment first policies are about increasing the expectations people have regarding the employment of individuals with developmental disabilities.

In California, on February 24, 2012, Assemblymembers Wesley Chesbro and Jim Beall, Jr., introduced Assembly Bill (AB) 2338. AB 2338 creates an Employment First policy and requires regional centers, when developing an individual program plan (IPP) for transition age youth or working age adults, to consider the Employment First policy while not infringing upon an individual's right to make informed choices about services and supports. Additionally, AB 2338 requires regional centers to provide information to families and consumers about the Employment First policy, employment options, and postsecondary education in order to facilitate people obtaining and retaining jobs that are integrated and competitive. The Council is co-sponsoring AB 2338 with the authors. At the time of this writing AB 2338 is in the second phase of the legislative process and is supported by all major advocacy and service agencies and organizations and many individuals and family members.

Proposed Employment First Policy for California
(AB 2338)

"In furtherance of the intent to make services and supports available to enable persons with developmental disabilities to approximate the pattern of everyday living available to people without disabilities of the same age to support the integration of persons with developmental disabilities into the community, and to bring about more independent, productive, and normal lives for the persons served, it is the policy of the state that opportunities for integrated, competitive employment shall be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities. This policy

shall be known as the Employment First Policy.”

In plain language:

WORK IS FOR ALL

Employment First is about focusing on real jobs, real wages, and real business settings for individuals with developmental disabilities to have the ability to increase their income and benefits, accrue assets and build wealth. The present work builds on the foundation laid by Chapter 397, Statutes of 2006 (SB 1270) that articulated core values and the need for expanded opportunities for individuals with developmental disabilities to work and participate in the community alongside their fellow citizens.

Individuals with developmental disabilities are best suited to identify their own unique needs and how to best address those needs. The Employment First policy establishes a vision and direction while respecting the individual planning process as articulated in the Lanterman Developmental Disabilities Services Act. Its implementation will require a shift in policies and rebalancing of existing resources across all relevant state agencies (education, employment, health, disability and human services) to support and encourage integrated employment outcomes, including self-employment and microenterprises.

A few of the key principles essential for successful implementation and expansion of employment first are:

- The individual program plan (IPP) and the provision of services and supports is centered on the individual and the family. The IPP and the provision of services take into account the needs and preferences of the individual and family, where appropriate, as well as promoting community integration, independent, productive, and normal lives, and stable and healthy environments;
- All people have the right to pursue the full range of available employment opportunities, and to earn a competitive wage in a job of their choosing, based on their talents, skills, and interests; and

- All working age youths and adults with developmental disabilities are able to and will have the choice and opportunity to work in jobs integrated with the general workforce, working side-by-side with co-workers with and without disabilities, earning competitive wages and benefits.

SCDD's Efforts to Implement Employment First in California

Pursuant to Chapter 231, Statutes of 2009 (Assembly Bill 287), the Council has formed an Employment First committee (EFC) that meets quarterly. Composed of stakeholders, the EFC reviews, evaluates, and assists the Council related to policies and programs to ensure our ongoing commitment to promoting integrated competitive employment in our local communities and state. Over the past year, the EFC has received updates from state agencies specific to employment first, including the presentation of pertinent data and identified barriers and opportunities.

The EFC additionally reviewed the goals and recommendations from its own inaugural 2011 report (please see Appendix D) and made two recommendations to the Council: prioritize strengthening youth transition to integrated competitive employment and promote the enactment of an Employment First Policy.

Not only has the Council co-sponsored AB 2338 (as described on page 11 and Appendix E) and provided relevant testimony, but the Council also funds projects as one of the ways it advances its State Plan. For this grant cycle, the Council has allocated up to \$360,000 to advance the following State Plan goal:

“Working age adults with developmental disabilities have the necessary information, tools, and supports to succeed in inclusive and gainful work opportunities.”

The Council is seeking proposals that will develop innovative transition models to increase the numbers of youth and young adults with developmental disabilities, ages 14-30 in integrated competitive employment and/or postsecondary educational opportunities leading to career advancement. Implementation must be completed by September 30, 2013. Accordingly, the next Employment First report will document what

proposal or proposals were selected and what progress was made in implementation to date.

The Role of State and Local Agencies

Many state agencies play a critical role in the implementation of employment first: the Departments of Rehabilitation (DOR), Developmental Services (DDS), Education (CDE), Employment Development (EDD), Community Colleges Chancellor's Office, and Health Care Services (DHCS). Local agencies such as school districts, regional centers, community colleges, and universities further these agency roles at the local level.

In an era of ever shrinking resources, an increase in laws creating silos between departments, and costs cited as a significant barrier to data analysis, the barriers to interagency collaboration in order to advance employment first are significant. Educators, state agencies, and service providers face barriers to collaboration, including a lack of knowledge about each other's systems and bureaucratic constraints that complicate service coordination. In order to measure progress made in increasing the number of individuals with developmental disabilities engaged in integrated competitive employment, the Council therefore recommends activities for agencies such as EDD and CDE that increase interagency collaboration to develop an infrastructure to support and further employment as a priority outcome.

Existing Sources of Employment Data

In order to track progress made in expanding integrated competitive employment for individuals with developmental disabilities, consistent sources of data must be used. In California, there are many sources of data regarding the employment of individuals with developmental disabilities held by the Employment Development Department (EDD), the Franchise Tax Board (FTB), Department of Rehabilitation (DOR), and the Department of Developmental Disabilities (DDS). Each agency tracks data for different purposes and within different categories. Because of this, it is impossible, under current systems, to accurately count an absolute number of individuals with developmental disabilities who are employed in any manner.

At the present time, the Council believes it is unacceptable to simply say that the data systems are complex and counting the absolute number of individuals with developmental disabilities who are employed is impossible. Until data systems can be aligned, the Council proposes to track the relative change in the number of individuals with developmental disabilities who are employed, using DDS' data. Additionally, data is made available by the Institute for Community Inclusion concerning the employment status of individuals with developmental disabilities and this will be used for national data and California data as appropriate. Specific data such as employment rates and average wages earned are reviewed in Appendix A.

Because of these difficulties, the Council recommends that existing resources of data are unified such that:

- data will accurately describe and quantify the number of individuals with developmental disabilities in integrated competitive employment³ by December 31, 2014;
- data will reflect the various methods people may earn an income (e.g., microenterprises) and quantify the number of individuals with developmental disabilities participating in such activities by December 31, 2016;
- data will accurately describe and quantify factors such as the average number of hours worked per week and the average income by December 31, 2015; and,
- data will indicate the number of individuals with developmental disabilities involved in indirect work related activities such as postsecondary education by December 31, 2016.

The Council believes these goals are feasible based upon the experience in at least one other state.⁴

³ Integrated competitive employment is defined in the Glossary.

⁴ "Back to School: Performance Measurement Workshops", <http://www.governing.com/topics/health-human-services/embracing-performance-measurement-workshops.html>

Recommendations Regarding the Roles and Responsibilities of State and Local Agencies

In an era of ever shrinking resources, an increase in laws creating silos between departments, and costs cited as a significant barrier to data analysis, the barriers to interagency collaboration in order to advance employment first are significant. In order to measure progress made in increasing the number of individuals with developmental disabilities engaged in integrated competitive employment, the Council therefore recommends activities for agencies such as EDD and CDE to focus on the collaborative opportunities between these agencies that increase interagency collaboration to develop an infrastructure to support and further employment as a priority outcome.

As the agency holding the primary responsibility of keeping employees competitive, it is recommended that EDD and agencies that support individuals with developmental disabilities jointly map existing resources to better identify gaps, investigate collaborative opportunities, braided funding, and pilot services and supports that will result in increased integrated competitive employment for individuals with developmental disabilities (please see page **49, Goal A1, Strategies A1-1 and A1-7**).

As the agency primarily concerned with preparing students with disabilities for employment, post-secondary education, and independent living, CDE should collaborate with agencies that support individuals with developmental disabilities to map existing resources to better identify gaps, jointly investigate collaborative opportunities, braided funding, and pilot programs to create a school to work pipeline where more individuals with developmental disabilities graduate from school and enter post secondary education and/or integrated competitive employment (please see page **49, Goal A1, Strategies A1-1 and A1-7**).

- One organization that is enhancing interagency collaboration is the University of California at Los Angeles University Center on Excellence in Developmental Disabilities (UCLA UCEDD). They obtained a grant to establish the California Employment Consortium for Youth and Young Adults with Intellectual and Other Developmental Disabilities (CECY). CECY creates a highly knowledgeable and experienced employment work group comprised of essential state agencies – the Departments of Rehabilitation (DOR), Education (CDE), Developmental Services (DDS),

the State Council on Developmental Disabilities (SCDD), self-advocates, Disability Rights California, the Family Resource Centers Network, the Association of Regional Center Agencies (ARCA), and the UCLA UCEDD.

- CECY's goals are to: (1) strengthen interagency collaboration, practices, and policies at the state and local levels, and (2) enhance the understanding of youth and young adults, families and professionals of the effective practices and supports for youth and young adults with ID/DD to work in competitive integrated settings.
- This was the first year of implementation. A request for proposals was sent to identify best practices pertinent to interagency collaboration.

Other recommendations that should increase interagency collaboration in order to develop a sufficient infrastructure to advance employment first are:

- Review current laws and regulations to determine if they can be strengthened to ensure adequate collaboration among the Departments of Education, Employment Development, Rehabilitation, and Developmental Services, school districts, regional centers, service and support providers, and employers to promote, develop, and support work experience, training, and on-the-job training for students with developmental disabilities.
- Maximize system efficiency through interagency collaboration and coordination between California Departments of Education (CDE), Rehabilitation (DOR), Developmental Services (DDS), Employment Development (EDD) and the California Community College Chancellor's Office (CCCCO) focused on the transition of youth and working age adults with developmental disabilities into integrated competitive employment.
- Strengthen regulations and processes that encourage the blending and braiding of funds between CDE, DOR, DDS, EDD, and CCCCCO to ensure seamless collaborative strategies for better employment outcomes.
- Identify and disseminate promising practices from partnerships such as DOR's College to Career Program where community colleges are

providing inclusive education, job preparation, and placement services for integrated competitive employment.

- Develop and implement evaluation strategies to determine effectiveness of models for interagency collaboration and coordination.

Pursuing such recommendations enhances interagency collaboration and strengthens the linkages between decision makers of agencies that play a role in supporting and expanding employment first.

Evaluating Outcomes

A core goal of implementing an Employment First policy is that people who desire to work will have the opportunity to do so. Outcomes, which can be impacted by the individual program plan (IPP) development process, must be established and measured to determine the progress made toward this goal. Therefore, the Council finds that the following outcomes should be established and measured. The Council will provide updates on the progress made in achieving these outcomes in subsequent annual reports.

By December 31, 2012, the number of individuals with developmental disabilities employed in California state government will increase by 5%.

By December 31, 2012, 10% of individuals with developmental disabilities receiving services in sheltered workshops will transition to integrated employment opportunities.

By December 31, 2013, the number of individuals with developmental disabilities working in integrated competitive employment will increase by 10%.

- Using data from Table 5 on page 36, it appears that there has been a decrease in the number of individuals with developmental disabilities working in integrated competitive employment.

By December 31, 2013, the number of individuals with developmental disabilities working in supported employment individual placement programs earning at least minimum wage will increase by at least 10%.

- Using data from Table 5 on page 36, it appears that there has been a decrease in the number of individuals with developmental disabilities working in integrated competitive employment.

By December 31, 2013, the number of individuals engaged in microenterprise businesses will increase by at least 5%.

- For the purpose of this outcome, microenterprise businesses are defined as the number of new businesses launched (with business licenses, tax payer identification numbers other than social security numbers, separate business bank account, etc.).

By December 31, 2013, the gross receipts of individuals with developmental disabilities engaged in microenterprise businesses will increase by at least 5%.

By December 31, 2014, the number of individuals with developmental disabilities who transition into integrated employment competitive from high school will increase by at least 10%.

By December 31, 2014, 100% of working age individuals with a developmental disability will have employment discussed and explored at the individual program plan (IPP) meeting, and if the person wishes to work, barriers to work will be identified, steps will be developed to overcome them, and a plan to work will be incorporated into the IPP.

- In the midst of the legislative process at the time of this writing, AB 2338 (please see page 23 and Appendix B) requires regional centers, when developing an individual program plan (IPP) for transition age youth or working age adults, to consider the Employment First policy while not infringing upon an individual's right to make informed choices about services and supports. Additionally, AB 2338 requires the regional centers to provide information to families and consumers about the Employment First policy, employment options, and postsecondary education in order to facilitate people getting and keeping jobs in integrated competitive employment.

By December 31, 2014, the number of individuals with developmental disabilities who transition into post secondary education will increase by at least 5%.

By December 31, 2014, develop a methodology to measure reduced reliance on public benefits by individuals with developmental disabilities because they have entered into integrated competitive employment.

Next Steps and Conclusion

Enormous commitment, much effort, and significant resources will be required to accomplish even a fraction of the recommendations in this report. However, moving California toward employment first is an undertaking of critical importance in order to facilitate the dignity and independence of individuals with developmental disabilities. And like every great journey, it begins with one step.

The first step to making employment first a reality in California is the passage of AB 2338 (please see page 23 and Appendix B), which among its provisions includes incorporating the Employment First policy (page 24) into California statute. Further, require that all state agencies that serve individuals with developmental disabilities (DDS, DOR, EDD, CDE, etc.) adhere to its tenets, while respecting an individual's right to make choices about their own life. In order to measure progress toward the employment first goal, agencies that collect and retain data on the status of individuals with developmental disabilities must develop a coordinated data collection and reporting system which allows for the tracking of individuals throughout their lives across numerous service delivery agencies and organizations.

Another step, most ready for legislative action, is to support **Goal 0** (page 49), which is to ensure that self-directed services are available as an option to all individuals with developmental disabilities. By bringing the tools of self-determination and individual choice budgeting available through self-directed services, people will be able to secure the resources, services, and support that best meet their needs.

- At the time of this writing, Assembly Bill (AB) 1244 was introduced by Assemblymember Wesley Chesbro on February 18, 2012. AB 1244 creates the Self-Determination Program within the existing developmental services system to provide individuals with a single, capitated funding allocation they may use to purchase services that support goals identified in individual program plans (IPPs). This program can place greater flexibility in the hands of persons served

by regional centers while at the same time potentially generating short and long term cost savings to the state. The State Council on Developmental Disabilities supports AB 1244.

Other strategies most ready for immediate legislative or regulatory action are:

- **Strategy B3-1:** In order to provide individuals needed support to obtain integrated competitive employment, allow day programs, on an individual, time limited-basis, to convert group day service rates to a 1 to 1 hourly service for an individual who is actively seeking integrated competitive employment so they can receive necessary supports at no additional costs to the service system.
- **Strategy C3-1:** Amend Welfare and Institutions Code Section 4692 to exempt, on an individual basis, services that support individuals in integrated competitive employment from reductions that impact their potential for success in their jobs.
- **Strategy C3-2:** Amend existing regulations that prohibit a resident from being unsupervised for a limited period of time in a licensed community care facility when that person is employed in integrated competitive employment.
- **Strategy D2-2:** Require government contractors to ensure at least 0.5% of their workforce includes individuals with developmental disabilities.

Through the Employment First Committee, the Council has collaborated with key agencies and organizations and will continue to do so. Further, it will advocate for and collaborate with other agencies and organizations toward the implementation of goals and strategies that are outside of the Council's area of direct responsibility. Progress made will be outlined in subsequent annual reports.

In light of the recommendations made surrounding the existing sources of data (page 18), the outcome measurements need to be developed and refined. Doing so will enable the outcomes to be measured not only on a *relative* level, but also on an *absolute* level. The Council will continue to work with an interagency group exploring these issues and anticipates issuing specific recommendations.

Moving California toward employment first will result in more individuals with developmental disabilities living more independent lives through integrated competitive employment. The Council welcomes the opportunity to work with leaders to craft a system whose outcome is support that can truly be counted upon by individuals with developmental disabilities to obtain and keep integrated competitive jobs.

Background

"No country, however rich, can afford the waste of its human resources. Demoralization caused by vast unemployment is our greatest extravagance. Morally, it is the greatest menace to our social order."⁵

The State Council on Developmental Disabilities (SCDD) Employment First Committee (EFC) was established under Chapter 231, Statutes of 2009 (Assembly Bill 287) and is directed to:

- Develop an Employment First Policy;
- Identify respective roles and responsibilities of state and local agencies in enhancing integrated competitive employment opportunities for individuals with developmental disabilities;
- Identify strategies, best practices, and incentives for increasing integrated competitive employment opportunities for individuals with developmental disabilities;
- Identify existing sources of employment data and recommend goals for measuring progress towards, increasing integrated competitive;
- Recommend legislative, regulatory, and policy changes for increasing integrated competitive employment, self employment, and microenterprises; and,
- Provide an annual report to the legislature and governor.

The work of the committee is guided by the following principles:

- The individual program plan (IPP) and the provision of services and supports is centered on the individual and the family. The IPP and the provision of services take into account the needs and preferences of the

⁵ Franklin Delano Roosevelt, 1933

individual and family, where appropriate, as well as promoting community integration, independent, productive, and normal lives, and stable and healthy environments;

- All people have the right to pursue the full range of available employment opportunities, and to earn a competitive wage in a job of their choosing, based on their talents, skills, and interests; and
- All working age youths and adults with developmental disabilities are able to and will have the choice and opportunity to work in jobs integrated with the general workforce, working side-by-side with co-workers with and without disabilities, earning competitive wages and benefits.
- Individuals with developmental disabilities are best suited to identify their own unique needs and how to best address those needs.

Disability is a natural part of the human experience and in no way diminishes the right of individuals to live independently, enjoy self-determination, make choices, contribute to society, pursue meaningful careers, and enjoy full inclusion and integration in the economic, political, social, cultural, and mainstream of American society.⁶

Employment First Movement

But the toughest challenge of all is when people with disabilities are seen as “them” and not as “us”. A job can change that. A job is more than a paycheck; it is a source of dignity. The workplace can be a productive and fulfilling place – a place where people with disabilities transform their lives from the

⁶ Title 29 of the United State Code Section 701 (a)(3)

margins to the mainstream, and can be seen as the valuable and complete people they are.⁷

Across the country, states are joining the Employment First movement, which advocates for integrated competitive employment as the desired and preferred outcome for working aged individuals with developmental disabilities. Integrated employment refers to jobs where employees with developmental disabilities work alongside employees without disabilities. Competitive wages refer to earning at least minimum wage, earning the same as other people performing similar work. Additionally, integrated employment includes activities such as forming one's own business – activities of typical working-age adults.

Employment first policies are about increasing the expectations people have regarding the employment of individuals with developmental disabilities. States focusing on integrated employment include Tennessee, Washington, Indiana, Pennsylvania, Minnesota, Georgia, North Dakota, Wisconsin, Ohio, Delaware and Missouri. While all of these states have committed to raising expectations, the manner in which this is pursued differs widely.

Although California does not yet have an employment first policy, there have been services and supports that have incorporated the basic tenets of employment first – earning at least minimum wage in an integrated environment working alongside employees without disabilities. For example, in 2009 the Council awarded a substantial grant to develop, nurture, and incubate numerous Project SEARCH sites.⁸ Increasing retention and productivity, while bringing in the expertise to support participants, Project SEARCH brings valued outcomes to the businesses with whom they partner and well paying jobs for the participants.

National Efforts Promoting Employment First

⁷ Testimony of J. Randolph Lewis, Senior Vice President of Supply Chain and Logistics, Walgreen Co., Deerfield, Illinois, on Employment of Individuals with Development Disabilities to United States Senate Committee on Health, Education, Labor and Pensions, Wednesday, March 2, 2011

⁸ Project SEARCH is described in greater detail in the Glossary.

Although employment accommodation decisions are made on an individualized basis, on November 17, 2011 the U. S. Equal Employment Opportunity Commission (EEOC) issued an informal letter indicating that employers requiring a high school diploma may not do so under the ADA except under certain circumstances.⁹ More specifically, the EEOC letter states:

“...if an employer adopts a high school diploma requirement for a job, and that requirement ‘screens out’ an individual who is unable to graduate because of a learning disability that meets the ADA’s definition of ‘disability’, the employer may not apply the standard unless it can demonstrate that the diploma requirement is job related and consistent with business necessity. The employer will not be able to make this showing, for example, if the functions in question can easily be performed by someone who does not have a diploma.”

Clearly, this informal letter creates many more integrated competitive employment opportunities than without it.

In October 2011, Representative Cliff Stearns introduced H. R. 3086, Fair Wages for Workers with Disabilities Act of 2011. Although this bill has not passed at the time of this writing, it may still do so. Essentially, H. R. 3086 seeks to phase out special wage certificates under the Fair Labor Standards Act of 1938, whereby people with disabilities may be employed at subminimum wages. In a press release announcing the introduction of the bill, Representative Stearns explained:

“Although the disabled have made significant progress in achieving the American dream, they still face unfairness in the workplace under a provision that allows employers to pay workers with disabilities less than the federal minimum wage,” and that “protections for disabled workers were excluded in the Fair Labor Standards Act in the mistaken belief that they were not as productive as other workers. Workers with disabilities contribute to our economy and to our society, and they deserve equal pay for equal work.”

⁹ Retrieved from http://www.eeoc.gov/eeoc/foia/letters/2011/ada_qualification_standards.html on June 15, 2012

In January 2012 a group of individuals with developmental disabilities filed a class action suit¹⁰ against the State of Oregon and its failure to provide supported employment services to people working in sheltered workshops.¹¹ On May 17th, 2012, a United States judge found that the integration mandate of the ADA and Olmstead decision applies to integrated employment. The litigants are seeking to require the State to develop and implement integrated employment programs consistent with each person's individual needs and an injunction so the State must describe to the court the ways it will modify the State's employment system to do so. At the time of this writing, the plaintiffs are awaiting class certification.

In July 2012 the Office of Disability Employment Policy within the United States Department of Labor and the Administration on Intellectual and Developmental Disabilities announced that they will work together to "expand and promote integrated employment as the first employment option" for individuals with individuals with significant disabilities. Specific strategies and outcomes resulting from this collaboration will be reported in next year's edition of this report.

Examples of Employment First in Other States¹²

Colorado: The Division of Developmental Disabilities has a goal to increase the number of individuals with developmental disabilities employed by at least 5% per year. Employment is the primary service option and the policies require that integrated employment is specifically addressed annually in individualized service plans.

Oklahoma: Services funded by Oklahoma's Developmental Disabilities Services Division have the goal of full-time employment, with specific options:

- full-time employment at prevailing wages at an occupation of the service recipient's choice with natural supports;

¹⁰ Lane v. Kitzhaber, **OBTAIN PROPER CITATION FORMAT**, Case No. 3:12-cv-00138-ST

¹¹ See Glossary for more information on sheltered workshops.

¹² "SELN Working Document, Q&A's on State Employment First Policies", March 2008, State Employment Leadership Network.

- if a service recipient cannot secure enough work hours through a single job of the service recipient's choice, then two part-time jobs or a job that is not the service recipient's first preference may need to be sought to equal a full time job;
- if a fully integrated opportunity is not currently available, employment of the service recipient's choice in an enclave in a business or industry, with or without paid supports, is an option; or,
- if there are no paid jobs to be found, temporary unpaid training or volunteer service, in accordance with Department of Labor regulations, with or without paid supports, may be an option for the purpose of resume building or job exploration, or temporary participation in real work in a center-based setting.

Pennsylvania: Employment is the first “day service” option that should be explored for adults in Division of Mental Retardation Services, Medicaid or State funded supports. Employment is always considered as the appropriate outcome for an adult. Employment services and supports are viewed as the most appropriate service unless there is a compelling reason for recommending another service.

Washington: Adopted an employment *only* option for working age adults with developmental disabilities. The Division of Developmental Disabilities has a policy that “designates employment supports as the primary method of furnishing state-financed day services to adult participants,” and goes on to specifically state that “supports to pursue and maintain gainful employment in integrated settings in the community shall be the primary service option for working age adults.” Rather than eliminating sheltered workshops, Washington’s policies focus on supports for integrated employment or taking steps to move forward in that direction.

Employment First in California

On February 24, 2012, Assemblymembers Wesley Chesbro and Jim Beall, Jr., introduced Assembly Bill (AB) 2338. AB 2338 creates an Employment First policy and requires the regional center, when developing an individual program plan (IPP) for transition age youth or working age adults, to consider the Employment First policy while not infringing upon an individual’s right to make informed choices about services and supports. Additionally, AB 2338 requires the regional centers to provide information to families and consumers about the Employment First policy, employment

options, and postsecondary education in order to facilitate people getting and keeping jobs in integrated competitive employment. The Council is co-sponsoring AB 2338 with the authors. At the time of this writing AB 2338 is in the second phase of the legislative process and is supported by all major advocacy and service agencies and organizations and many individuals and family members.

Proposed Employment First Policy for California
(AB 2338)

“In furtherance of the intent to make services and supports available to enable persons with developmental disabilities to approximate the pattern of everyday living available to people without disabilities of the same age to support the integration of persons with developmental disabilities into the community, and to bring about more independent, productive, and normal lives for the persons served, it is the policy of the state that opportunities for integrated, competitive employment shall be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities. This policy shall be known as the Employment First Policy.”

In plain language:

WORK IS FOR ALL

One of the key principles underpinning California’s Employment First policy is that the individual program plan and the provision of services and supports is centered on the individual and the family. The IPP and the provision of services must take into account the needs and preferences of the individual and family, where appropriate, as well as promoting community integration, independent, productive, and normal lives, and stable and healthy environments. Please see Appendix B for the many other principles underpinning the policy.

The outcome of Employment First is increased participation in integrated competitive employment by individuals with developmental disabilities. Further, there is an expectation that individuals with developmental disabilities will have the same opportunities as their co-workers: earning prevailing wages, and provided benefits and opportunities for advancement. Appendix C notes characteristics that would demonstrate the successful implementation of Employment First.

Existing Sources of Employment Data

In order to track progress made in expanding integrated competitive employment for individuals with developmental disabilities, consistent sources of data must be used. In California, there are many sources of data regarding the employment of individuals with developmental disabilities held by the Employment Development Department (EDD), the Franchise Tax Board (FTB), Department of Rehabilitation (DOR), and the Department of Developmental Disabilities (DDS). Each agency tracks data for different purposes and within different categories. Because of this, it is impossible, under current systems, to accurately count an absolute number of individuals with developmental disabilities who are employed in any manner.

In order to better understand the barriers that exist to align these data systems, the Council participates in a group who is exploring these issues. In an era where budget trailer bill language creates or deepens the divide between silos, identifying details and practical solutions can be difficult. Coupled with the Council's limited resources, it is anticipated that the Council will issue recommendations on this aspect in subsequent annual reports.

At the present time, the Council believes it is unacceptable to simply say that the data systems are complex and counting the absolute number of individuals with developmental disabilities who are employed is impossible. Until data systems can be aligned, the Council proposes to track the relative change in the number of individuals with developmental disabilities who are employed, using DDS' data. While DDS' data may not contain all

individuals with developmental disabilities who are working,¹³ they are more unlikely to disproportionately exclude people and are more likely to be more accurate numbers than other data sets. Additionally, DDS revised the Client Development Evaluation Report (CDER) in 2011, which now collects some data related to employment. Additionally, data is made available by the Institute for Community Inclusion concerning the employment status of individuals with developmental disabilities and this will be used for national data and California data as appropriate. Specific data such as employment rates and average wages earned are reviewed in Appendix A.

Because of these difficulties, the Council recommends that existing resources of data are unified such that:

- data will accurately describe and quantify the number of individuals with developmental disabilities in integrated competitive employment¹⁴ by December 31, 2014;
- data will reflect the various methods people may earn an income (e.g., microenterprises) and quantify the number of individuals with developmental disabilities participating in such activities by December 31, 2016;
- data will accurately describe and quantify factors such as the average number of hours worked per week and the average income by December 31, 2015; and,
- data will indicate the number of individuals with developmental disabilities involved in indirect work related activities such as postsecondary education by December 31, 2016.

The Council believes these goals are feasible based upon the experience in at least one other state.¹⁵

SCDD's Efforts to Implement Employment First in California

¹³ Department of Developmental Services (2012), "2009-2010 Annual Report: Employment and Day Programs", pg. 2

¹⁴ Integrated competitive employment is defined in the Glossary.

¹⁵ "Back to School: Performance Measurement Workshops", <http://www.governing.com/topics/health-human-services/embracing-performance-measurement-workshops.html>

Pursuant to Chapter 231, Statutes of 2009 (Assembly Bill 287), the Council has formed an Employment First committee (EFC) that meets quarterly. Composed of stakeholders, the EFC reviews, evaluates, and assists the Council related to policies and programs to ensure our ongoing commitment to promoting integrated competitive employment in our local communities and state. Over the past year, the EFC has received updates from state agencies specific to employment first, including the presentation of pertinent data and identified barriers and opportunities.

The EFC additionally reviewed the goals and recommendations from its own inaugural 2011 report (please see Appendix D) and made two recommendations to the Council: prioritize strengthening youth transition to integrated competitive employment and promote the enactment of an Employment First Policy.

Not only has the Council co-sponsored AB 2338 (as described on page 11 and Appendix E) and provided relevant testimony, but the Council also funds projects as one of the ways it advances its State Plan. For this grant cycle, the Council has allocated up to \$360,000 to advance the following State Plan goal:

“Working age adults with developmental disabilities have the necessary information, tools, and supports to succeed in inclusive and gainful work opportunities.”

The Council is seeking proposals that will develop innovative transition models to increase the numbers of youth and young adults with developmental disabilities, ages 14-30 in integrated competitive employment and/or postsecondary educational opportunities leading to career advancement. Implementation must be completed by September 30, 2013. Accordingly, the next Employment First report will document what proposal or proposals were selected and what progress was made in implementation to date.

**Roles, Responsibilities, and Activities of State and Local
Agencies to Enhance the Employment of
Individuals with Developmental Disabilities**

Many state agencies play a critical role in the implementation of employment first: the Departments of Rehabilitation (DOR), Developmental Services (DDS), Education (CDE), Employment Development (EDD), Community Colleges Chancellor's Office, and Health Care Services (DHCS). Local agencies such as school districts, regional centers, community colleges, and universities further these agency roles at the local level.

SCDD sought information from state and local agencies regarding their roles, responsibilities, and activities undertaken to enhance and promote the employment of individuals with developmental disabilities. As reported by each agency:

California Department of Education (CDE)¹⁶

"Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities."¹⁷

CDE has an obligation to ensure that all local educational agencies (LEAs), which include school districts and county offices of education, provide a free public education to all students and special education to students who have disabilities that impact their ability to learn in the educational environment. The purpose of special education is to ensure that all children with disabilities have available to them a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.¹⁸ The mechanism to ensure students

¹⁶ No statement was received from CDE regarding its role and responsibilities, so this almost all of this section was authored by the Council and primarily cites statute.

¹⁷ Title 20 of the United States Code Section 1400 (c), the Individuals with Disabilities Education Improvement Act of 2004 (IDEA)

¹⁸ Title 20 of the United States Code Section 1400 (d)(1), the Individuals with Disabilities Education Improvement Act of 2004 (IDEA)

receive an appropriate education is the individualized education program (IEP), whereby the IEP team determines a student's needs and the services and supports necessary to meet those needs.

Further, an individualized transition program (ITP) must be in place for students in special education by the time they reach 16 years of age, or younger if the if determined appropriate but the IEP team.¹⁹ The ITP must:

- be based upon the individual needs, strengths, and interests of the student;²⁰
- address appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills;²¹
- focus on improving academic and functional achievement of the student to facilitate movement from school to postschool activities, including postsecondary education, vocational education, integrated employment, including supported employment, continuing and adult education, adult services, independent living, or community participation;²² and,
- address the transition services (including courses of study, community experiences, the development of employment and other postschool adult living objectives, and if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation)²³ needed to assist the child in reaching those goals.²⁴

LEAs have found, and are obligated to find, ways to provide transition services identified in ITPs to assist students in reaching their postsecondary goals, including further education, employment, and independent living. And with consent and to the extent appropriate, LEAs must invite representatives from any agency that is likely to be responsible for providing or paying for transition services to the ITP meeting.²⁵ However, those representatives are not required to attend, which highlights one of the problems surrounding transition to adult life.

¹⁹ California Education Code Section 56341.5 (e)

²⁰ California Education Code Section 56345.1 (a)(2)

²¹ Title 20 of the United States Code Section 1414 (d)(1)(A)(VIII)

²² California Education Code Section 56345.1 (a)(1)

²³ California Education Code Section 56345.1 (a)(3)

²⁴ Title 20 of the United States Code Section 1414 (d)(1)(A)(VIII)(bb)

²⁵ California Education Code Section 56341.5 (f)

Moreover, the Legislature found that:²⁶

- “there is no formalized process that bridges the gap between the security and the structure of school and the complexity of service options and resources available for individuals with exceptional needs in the adult community”;
- “there is insufficient coordination between educators, adult service providers, potential employers, and families and students in order to effectively plan and implement a successful transition for students to the adult world of paid employment and social independence”;
- “that because of insufficient vocational training throughout the middle and secondary school years, and [insufficient] effective interagency coordination and involvement of potential employers in a planning process, the majority of options available for individuals with exceptional needs in the adult community are programs that support dependence rather than independence”; and,
- “planning for transition from school to postsecondary environments should begin in the school system well before the student leaves the system.”

Therefore, the Legislature has required the Superintendent of Public Instruction to establish the capacity to provide transition services for a broad range of individuals with exceptional needs such as employment and academic training, strategic planning, interagency coordination, and parent training.²⁷

Consequently, transition services must include, but are not limited to:²⁸

- in-service training programs, resource materials, and handbooks about:
 - the definition of transition, including major components of an effective school-based program and the components of effective transition planning;
 - relevant laws and regulations;
 - the roles of other agencies in the transition process including, but not limited to, the scope of their services, eligibility criteria, and funding;
 - the role of families in the transition process;
 - resources and model programs in the state;

²⁶ California Education Code Section 56460

²⁷ California Education Code Section 56461

²⁸ California Education Code Section 56462

- development of the role and responsibilities of special education in the transition process, including:
 - the provision of work skills training, including skills needed in order to demonstrate competence on the job;
 - the provision of multiple employment options and vocational experiences to facilitate job or career choice;
 - the collection and analysis of data when students leave the school system and enter the adult world;
 - the coordination of the transition planning process, including development of necessary interagency agreements and procedures at both state and local levels;
 - the provision of instruction learning strategies that support students to graduate with a diploma, promote a positive attitude towards secondary and postsecondary education and training, and make a successful transition to postsecondary life;
- the development and implementation of systematic and longitudinal vocational education curriculum, including:
 - instructional strategies to prepare students with severe disabilities to make a successful transition to supported employment and the community;
 - the introduction of vocational and career education curriculum in the elementary grades for those who can benefit from it;
- materials, resource materials, and in-service training programs to support the active participation of families in the planning and implementation of transition-related goals and activities;
- the development of resources and in-service training that will support the implementation of individualized transition planning for all students with exceptional needs;
- the development of a network of model demonstration sites that illustrate a wide variety of transition models and implementation strategies;
- coordination of other specialized programs that serve students who face barriers to successful transition; and,
- a research, evaluation, and dissemination program that will support the major programmatic aspects of transition services through a variety of competitive grants, bids, contracts, and other awards that will address specific content areas developed in cooperation with a variety of field-based agencies, including LEAs, special education local plan areas (SELPAs), county offices of education, institutions of higher education, and in-service training agencies.

CDE administers Project Workability, a state level partnership between CDE, the Employment Development Department, and the Department of Rehabilitation.²⁹ Project Workability provides instruction and experiences that reinforce core curriculum concepts and skills leading to gainful employment.

CDE promotes and supports employment first by:

- participating on the State Council on Developmental Disabilities' Employment First Committee;
 - update the Employment First Committee on:
 - the results of secondary education and post-secondary education outcomes;
 - Community of Practices activities as they evolve;
- participating on the State Council on Developmental Disabilities' Legislative and Public Policy Committee to provide input for legislation regarding employment first; and,
- providing aggregate data periodically when CDE collects data annually. These data can be reported by the disability, age, ethnicity, gender, plan type (type of education plan for special education services), exit data (describes how students exit special education, whether they graduate with a diploma or certificate, or withdrawn by parents or age out), graduation/drop out data, and finally interagency collaboration which is very important to students with developmental disabilities.

Employment Development Department (EDD)

EDD promotes California's economic growth by providing services to keep employers, employees, and job seekers competitive. Following federal and state laws with fairness and equity, and ensuring fiscal integrity, EDD:

²⁹ California Education Code Section 56470

- Operates the State's employment service – connecting employers with job seekers;
- Acts as an economic stabilizer through the administration of the Unemployment Insurance program;
- Provides prompt and accurate services that enable taxpayers to easily report data and meet their tax responsibilities;
- Minimizes the financial impact of non-occupational disabilities through the administration of the Disability Insurance program;
- Provides partial wage replacement when workers must care for a seriously ill family member or bond with a new child;
- Encourages self-sufficiency in the current and future workforce;
- Serves as the central source for California's labor market information; and,
- Plans, deploys, and manages technology to improve our business processes and access to our services.

California continues to set high standards in its efforts to be a model employer for the nation, by promoting and using its' resources to have employment be first for all people with disabilities. To achieve this goal, it is imperative that public and private employers adopt an 'employment first' attitude, as defined in the "Employment First Report." This will help to facilitate the dignity and independence of people with disabilities (PWD) by improving their employment outcomes.

The Employment Development Department (EDD) is cognizant of the potential benefit of having State agencies that provide services to people with disabilities, use the strategies and tools promoted in the SCDD Employment First Report, and to have staff and resources allocated to providing employment preparation/training. The theory behind Employment First was to increase the employment opportunities of individuals with developmental disabilities. EDD takes an all-encompassing perspective, inclusive of all people with disabilities.

The Workforce Services Division (WSD) of EDD administers the Workforce Investment Act (WIA) and Wagner-Peyser programs which provide technical assistance to stakeholders and providers of employment and training services for populations facing multiple barriers such as people with disabilities, at risk youth, veterans, and older workers; and, prepare adults, youth, and dislocated workers for participation in the workforce and

brings employers with job openings together with qualified job seekers. The WSD provides services 24-hours a day, seven days a week, anywhere there is an Internet connection, through its no fee labor exchange system, CalJOBSSM. Additionally, the WSD also prepares up-to-date statistical information, demographics, and analyses impacting the State's business climate.

The WSD does not have specific data in the WIA system pertaining to individuals with intellectual and other developmental disabilities (IDD), including the employment of transition-age youth and young adults with IDD. According to EDD'S WIA Client Forms Handbook, WSB only collects and reports general information regarding whether a participant is disabled or not.

The WIA Annual Report contains a discussion of participant demographics (including those with disabilities) and performance outcomes. The report³⁰ for last Program Year indicates the participant performance and demographics information on pages 69 to 78.

EDD also applies for workforce development related grants to assist targeted groups, including people with disabilities in seeking employment and training opportunities. The most recent grant awarded to EDD for inclusion of all people with disabilities was the Disability Employment Initiative (DEI) grant. California, along with sixteen other states, entered into a three-year cooperative agreement, with the Department of Labor to implement strategic approaches for exemplary employment services to individuals with disabilities in the public workforce system. The DEI builds on the success of the Disability Program Navigator model to achieve systemic change, expand the capacity of the One-Stop Career Center system, and increase/improve services and outcomes for people with disabilities.

The DEI grant provides funding to the State and five Local Workforce Investment Areas (LWIAs) to support extensive collaboration across multiple workforce and disability service systems, in an effort to increase the employability and the access to information services provided in the One-Stop Career Centers to people with disabilities. The funds will also

³⁰Retrieved on June 25, 2012, <http://cwib.ca.gov/res/docs/reports/2010-2011%20CWIB%20FINAL%20WIA%20%20Annual%20Report.pdf>

expand the workforce development system's participation in the Social Security Administration's Ticket-to-Work program by increasing the number of employment networks in the State.

The DEI grant is administered by EDD's WSB to help provide services and support to adults with disabilities and put them on the path to permanent and secure jobs. EDD is focused on the following objectives:

- Enhance, expand and promote universal access to the public workforce system;
- Assist in improving physical and program accessibility;
- Build staff capacity; strengthen relationships with employers; and
- Increase job placement opportunities for adults with disabilities.

As a result of the DEI grant, California will deliver comprehensive training to allow One-Stop staff to understand the culture and etiquette of training adults with disabilities and how to best serve this population. Outreach campaigns will be conducted to help identify people with disabilities and encourage their use of the Workforce Investment Act services available to them.

Through this DEI funding, people with disabilities will have greater access to new technologies such as computer systems, software, screen magnification/readers, deaf relay, and augmentative speech. Employers will also be encouraged to consider new advances in the employment of people with disabilities.

California's efforts to evaluate and reform existing state laws, regulations, guidelines, and operational procedures to institute systemic changes that increase agency collaboration and coordination towards the employment of people with disabilities will be facilitated by the DEI grant. By adopting Employment First strategies, there will be an increase in interagency collaboration to develop an infrastructure to support and further employment as a priority outcome.

These efforts represent a beginning toward enhancing the economic independence of all people with disabilities. The goal of EDD and the State is full inclusion, assuming that all people, with and without disabilities, should have the opportunity to work in the general labor market, with

support as needed. As expressed by people with disabilities involved in the development of the Employment First Report, “Work is for all.”

Department of Rehabilitation

The mission of the California Department of Rehabilitation (DOR) is to work in partnership with consumers and other stakeholders to provide services and advocacy resulting in employment, independent living and equality for individuals with disabilities.

DOR helps individuals with physical, psychiatric or cognitive disabilities face the challenges of the modern workplace. This includes identifying job goals based on individual interests and aptitudes, providing funds for college and vocational training, assessing worksite accommodations, educating an employer about the Americans with Disabilities Act, or assisting an individual returning to work after adjusting to a new disabling condition. Vocational rehabilitation services can often reduce or remove barriers to employment. Priority is given to those individuals who have the most severe disabilities in areas such as communication, mobility, work tolerance and work skills.

DOR is the state agency that administers the federal mandated and regulated Vocational Rehabilitation Program. The Rehabilitation Act of 1973, as amended, authorizes the allocation of Federal funds on a formula basis of State and Federal dollars for the administration and operation of a vocational rehabilitation (VR) program to assist individuals with disabilities in preparing for and engaging in gainful employment. The DOR VR program provides a wide range of services and job training to people with disabilities who want to work. DOR serves more than 100,000 eligible individuals. Priority is given to people with the most severe disabilities.

To be eligible for DOR VR, a person must have a physical or mental impairment that is a substantial impediment to employment; be able to benefit from VR services in terms of employment; and require VR services to prepare for, enter, engage in, or retain employment.

DOR assists individuals with disabilities to secure employment by developing and maintaining close relationships with local businesses. Furthermore, they assist persons served to become tax-paying citizens and to reduce their reliance on entitlement programs.

To help the population of unemployed persons with disabilities join the workforce, DOR provides comprehensive rehabilitation services that go way beyond those found in routine job training programs. This frequently includes work evaluation and adjustment services; assessment for and provision of assistive technology, such as customized computer interfaces for persons with physical or sensory disabilities; job counseling services, and medical and therapeutic services.

DOR collaborates with the Department of Developmental Services (DDS), regional centers (RCs) and a statewide network of private, non-profit community rehabilitation facilities for the provision of supported employment services. Supported Employment is paid competitive employment in an integrated work setting with ongoing support for individuals with the most severe disabilities (i.e., intellectual disabilities, autism, psychiatric disabilities, traumatic brain injury, deafness and blindness, extreme mobility impairments, and other most severe disabilities) for whom competitive employment has not traditionally occurred. Moreover, because of the nature and severity of their disability consumers needing Supported Employment require on-going support services in order to obtain, perform, and retain their job. Supported Employment provides assistance such as job coaching and job placement, assistance in interacting with employers, on-site assistive technology training, specialized job training, and individually tailored supervision.

DOR is a member of the Postsecondary Higher Education Interagency Workgroup which is made up of representatives from the California Department of Education (CDE), Department of Developmental Services (DDS), State Council on Developmental Disabilities (SCDD), California Community College Chancellor's Office (CCCCO), and California Health Incentives Improvement Project (CHIIP). The Workgroup is facilitated by Tarjan Center of UCLA and is an effort to develop policy and promote postsecondary higher education for individuals with Developmental Disabilities/Intellectual Disabilities.

DOR and local education agencies have joined together to establish cooperative programs that provide successful training and employment services. These programs include:

- College to Career (Pilot Project)

- Transition Partnership Programs (Secondary School Programs)
- WorkAbility II (Adult Schools & Regional Occupational Centers)
- WorkAbility III (Community Colleges)
- WorkAbility IV (CSU & UC Universities)

College to Career

The College to Career Program (C2C) is a collaboration of the Department of Rehabilitation (DOR), the California Community College Chancellor's Office (CCCCO), UC Los Angeles Tarjan Center (technical support/data collection) and the California Health Incentives Improvement Project (CHIIP).

The C2C program is designed to provide pre-vocational and vocational training through the provision of on-campus inclusive instruction and other related support services for DOR consumers with intellectual disabilities (ID) who are consumers of regional center services. These training programs will provide instruction, job development and placement services that will result in workforce preparation and employment of DOR consumers with ID in a career area of their choice. As a pilot project, it is hoped the data collection component will show that individuals who participate in this program will have an increased rate of obtaining and retaining employment at higher wages, and an increased number of DOR cases will be closed as successful (i.e. status 26).

The target populations of the project are individuals with ID and/or specific areas of Autism Spectrum Disorder. Approximately 100 College to Career students have been recruited from the colleges, local high schools, Transition Partnership Programs (TPP) and from active DOR cases and have completed year 1 of this collaboration.

The five (5) colleges selected for College to Career are: College of Alameda, Sacramento City College, Santa Rosa Junior College, North Orange County Community College District and San Diego Community College District. Each of the colleges that have a College to Career project also has a separate, stand-alone WorkAbility III program that serves DOR consumers at large. The WorkAbility III programs, that also have the College to Career pilot projects, are available for the College to Career consumers who reach a point of transition and a continued need for employment service.

The C2C programs have been developed with client and family member participation, and closely adhere to the values of comprehensive service linkages, career development, placement in a competitive integrated environment, and reasonable accommodations. These programs serve all eligible persons with disabilities including individuals with developmental disabilities.

Transition Partnership Program

The Transition Partnership Program builds partnerships between local education agencies and DOR for the purposes of successfully transitioning high school students with disabilities, including intellectual disabilities and autism, into meaningful employment and/or secondary education.

- Sixty percent of the DOR's transition-aged students-consumers are currently served by Transition Partnership Programs.
- One out of two Transition Partnership Program consumers is successfully employed.
- As of 2010, Transition Partnership Program consumers constituted 20% of the DOR's total successful placements.

Statewide there are more than 100 Transition Partnership Programs administered through contractual agreements with school districts and county offices of education. Local DOR offices provide liaison staff to Transition Partnership Programs and articulate with local regional centers and other community agencies in support of their mutual consumers towards the goal of employment.

The local education agency provides exclusive training and enhanced vocational programming to enable students to achieve employment utilizing community-based instruction, vocational and work-site training, job placement, and follow-up services upon graduation.

Workability II

The WorkAbility II Program serves adults and out-of-school youth with ID, autism and other disabilities. Statewide these programs are administered through cooperative agreements with the local education agencies (LEAs),

adult schools, and Regional Occupational Programs (ROPs). Currently, there are 7 WorkAbility II programs in 4 DOR districts.

WorkAbility III

The WorkAbility III Program serves individuals with disabilities who are both community college students and DOR consumers desiring and in need of employment. WorkAbility III programs are established at each of the 5 community colleges (i.e. College of Alameda, Sacramento City College, Santa Rosa Junior College, North Orange County Community College District and San Diego Community College District) that are participating in the College to Career pilot project which, serves consumers with ID and Autism. As they are co-located on the college campuses, these particular WorkAbility III programs are available to serve consumers that transition out of College to Career for continued support in training services. Statewide there are 26 WorkAbility III programs that administered through cooperative agreements with community colleges.

WorkAbility IV

The WorkAbility IV Program serves individuals who are DOR consumers and either California State University (CSU) students or University of California (UC) students, desiring and in need of employment. Statewide these programs are administered through cooperative agreements with CSU and UC. Currently, the DOR has 13 WorkAbility IV contracts in 8 DOR districts.

Department of Developmental Services (DDS)³¹

The Department of Developmental Services (DDS) maintains as a priority initiative the improvement of employment outcomes for individuals with developmental disabilities. To increase the number of individuals employed in integrated competitive employment, DDS participates as a member of several collaborative efforts, provides monitoring and technical assistance to supported employment and work activity program service providers, and has sponsored statewide webinar training for regional center and service provider staff. In addition, DDS continues its efforts with the Sacramento

³¹ At the time of this writing, no new information since the 2011 report was received from DDS regarding its current activities to enhance and promote employment first.

Unified School District to provide internship opportunities to young adults as they transition from high school to adulthood.

During this fiscal year, DDS has continued to work with longstanding partners such as the Association of Regional Center Agencies (ARCA) and the Department of Rehabilitation (DOR). DDS has established and strengthened partnerships with newer partners such as the Employment Development Department (EDD) and the Community College Chancellor's Office (CCCO). These partnerships have a focus on changes in statewide policy and practice to remove barriers and improve the environment in which the work is done to assist consumers to achieve their career goals. These collaborative efforts serve as models to be duplicated at the local level.

The primary collaborative effort of this year has been implementation of a federal grant to improve transition to employment for youth and young adults with developmental disabilities. This collaborative team includes ARCA, the CCCO, the Department of Education (CDE), DOR, Disabilities Rights California, EDD, the Family Resource Centers Network of California, the State Council on Developmental Disabilities (SCDD), self advocates and the leadership of the Tarjan Center at the University of California at Los Angeles. The project is identified as the California Employment Consortium for Youth and Young Adults with Intellectual and Other Developmental Disabilities.

The team has developed a mission and vision statement and is working towards the release of project funds to local areas in two phases. The first phase will be to identify strategies to assist youth to achieve integrated competitive employment. These will be tangible strategies that can be outlined, described and replicated. Entities using these strategies will be identified as mentors and critical in phase two by helping other areas develop similar strategies to replicate the success already being achieved. California has pockets of excellence with champions who are achieving success. The project aims to identify the reasons behind this success and replicate the process in other communities.

DDS participates in collaborative partnerships including the following:

- Community of Practice, an effort of DOR and CDE to improve transition processes for students exiting high school.

- The ARCA Employment Subcommittee, a team of regional center staff working on removing barriers and providing information to regional center staff assisting consumers to achieve their career goals.
- The SCDD Employment First Committee, a statewide effort lead by the SCDD towards improving integrated competitive employment for individuals with developmental disabilities.
- Talent Knows No Limits, the State of California effort lead by DOR to increase hiring of individuals with disabilities into State service.
- State Independent Living Council, establishes policy and develops the state plan for independent living that guides the work of the independent living services network throughout California.
- California Committee on Employment of People with Disabilities (formerly known as the Governor's Committee), which works towards improving employment opportunities for people with disabilities.

In addition, DDS staff meet regularly with state level partners at DOR and CDE to discuss issues arising from people working in the field. The purpose of these meetings is to create consensus in addressing these issues on a statewide basis and to communicate solutions to local regional center and DOR staff. We also review trends in regional centers' purchase of services for the purpose of monitoring changes in policy and/or practice.

DDS Work Services Section (WSS) staff have revised and reinstituted monitoring and technical assistance to supported employment and work activity programs. DDS staff revised the program review tool and clarified the monitoring activity; field tested the tool and process; and fully implemented the revised tool and process beginning in November 2011. WSS has completed 15 monitoring visits from November 2011 through May 2012. WSS staff have completed monitoring of seven service provider agencies in Northern California, three service provider agencies in Southern California, and five service provider agencies in Central California. The anticipated rate of monitoring/technical assistance reviews will be 2-3 service provider agencies per month in fiscal year 2012-13.

Finally, DDS has continued its partnership with the Sacramento Unified School District Special Education Program. This partnership provides students aged 18 - 22 an opportunity to work and gain experience while completing their education. Twelve students work as interns doing light clerical work including data entry, scanning, mailing, assembly of materials and organization of conference room space. This program gives students an opportunity to experience clerical support work, develop soft skills important to maintaining employment and prepare them for applying for state employment if they so choose.

Community Colleges Chancellor's Office³²

The California Community Colleges is the largest system of higher education in the nation. It is composed of 72 districts and 112 colleges serving 2.76 million students per year. Community colleges supply workforce training, a basic skills education and prepare students for transfer to four-year colleges and universities. The Chancellor's Office provides leadership, advocacy and support under the direction of the Board of Governors of the California Community Colleges.

Each college in the system has a Disabled Student Programs and Services (DSPS) office which assists colleges to provide services and accommodations for qualified students with disabilities to support their student success and to meet the requirements of federal and State non-discrimination and civil rights laws.

The DSPS program provides support services and educational accommodations to students with disabilities so that they can have full and equitable access to the community college experience. In addition, many colleges provide specialized instruction for specific populations of disabled students such as those with intellectual disabilities as part of their DSPS program.

A Student Educational Contract (SEC) is developed for each student served by DSPS. The SEC defines the student's educational goals and outlines the support services and academic accommodations to be provided to address the students' specific disability-related educational

³² At the time of this writing, no new information since the 2011 report was received from the Community Colleges Chancellor's Office regarding its current activities to enhance and promote employment first.

needs. Examples of services that may be provided by DSPS are test-proctoring, assessment for learning disabilities, specialized counseling, interpreter or captioning services for hearing-impaired or deaf students, mobility assistance, note-taker services, reader services, speech services, transcription services, on-campus transportation, specialized tutoring, access to adaptive equipment, job development/placement, registration assistance, special parking and specialized instruction. In 2009-10 (last year available) 10,020 students with intellectual disabilities were served by DSPS.

Additionally, in a partnership with the DOR some colleges participate in the Workability III program, which helps employ students with disabilities.

California Department of Health Care Services (DHCS)

The Department of Health Care Services' (DHCS) mission is to preserve and improve the health status of all Californians. DHCS works closely with health care professionals, county governments and health plans to provide a health care safety net for California's low-income and persons with disabilities.

DHCS finances and administers a number of individual health care service delivery programs, including the California Medical Assistance Program (Medi-Cal), California Children's Services program, Child Health and Disability Prevention program and Genetically Handicapped Persons Program. DHCS also helps maintain the financial viability of critical specialized care services, such as burn centers, trauma centers and children's specialty hospitals. In addition, DHCS funding helps hospitals and clinics located in underserved areas and those serving underserved populations.

DHCS programs are designed to:

- Deliver health care services to low-income persons and families who meet defined eligibility requirements;
- Emphasize prevention-oriented health care measures that promote health and well-being;
- Ensure access to comprehensive health services through the use of public and private resources; and

- Ensure appropriate and effective expenditure of public resources to serve those with the greatest health care needs.

Recommendations Regarding the Roles and Responsibilities of State and Local Agencies

In an era of ever shrinking resources, an increase in laws creating silos between departments, and costs cited as a significant barrier to data analysis, the barriers to interagency collaboration in order to advance employment first are significant. Educators, state agencies, and service providers face barriers to collaboration, including a lack of knowledge about each other's systems and bureaucratic constraints that complicate service coordination. In order to measure progress made in increasing the number of individuals with developmental disabilities engaged in integrated competitive employment, the Council therefore recommends activities for agencies such as EDD and CDE that increase interagency collaboration to develop an infrastructure to support and further employment as a priority outcome.

All of these agencies provide services and supports designed to enhance the employment of individuals with developmental disabilities. Consistent with best practices (see page 43) and the Governor's actions to streamline government functions, increase efficiencies, and reduce costs, SCDD's recommendations focus on the collaborative opportunities between these agencies.

As the agency holding the primary responsibility of keeping employees competitive, it is recommended that EDD and agencies that support individuals with developmental disabilities jointly map existing resources to better identify gaps, investigate collaborative opportunities, braided funding, and pilot services and supports that will result in increased integrated competitive employment for individuals with developmental disabilities (please see page 49, Goal A1, Strategies A1-1 and A1-7).

As the agency primarily concerned with preparing students with disabilities for employment, post-secondary education, and independent living, CDE should collaborate with agencies that support individuals with developmental disabilities to map existing resources to better identify gaps, jointly investigate collaborative opportunities, braided funding, and pilot programs to create a school to work pipeline where more individuals with

developmental disabilities graduate from school and enter post secondary education and/or integrated competitive employment (please see page 49, **Goal A1, Strategies A1-1 and A1-7**).

- One organization that is enhancing interagency collaboration is the University of California at Los Angeles University Center on Excellence in Developmental Disabilities (UCLA UCEDD). They obtained a grant to establish the California Employment Consortium for Youth and Young Adults with Intellectual and Other Developmental Disabilities (CECY). CECY creates a highly knowledgeable and experienced employment work group comprised of essential state agencies – the Departments of Rehabilitation (DOR), Education (CDE), Developmental Services (DDS), the State Council on Developmental Disabilities (SCDD), self-advocates, Disability Rights California, the Family Resource Centers Network, the Association of Regional Center Agencies (ARCA), and the UCLA UCEDD.
 - CECY's goals are to: (1) strengthen interagency collaboration, practices, and policies at the state and local levels, and (2) enhance the understanding of youth and young adults, families and professionals of the effective practices and supports for youth and young adults with ID/DD to work in competitive integrated settings.
 - This was the first year of implementation. A request for proposals was sent to identify best practices pertinent to interagency collaboration.

Other recommendations that should increase interagency collaboration in order to develop a sufficient infrastructure to advance employment first are:

- Review current laws and regulations to determine if they can be strengthened to ensure adequate collaboration among the Departments of Education, Employment Development, Rehabilitation, and Developmental Services, school districts, regional centers, service and support providers, and employers to promote, develop, and support work experience, training, and on-the-job training for students with developmental disabilities.
- Maximize system efficiency through interagency collaboration and coordination between California Departments of Education (CDE), Rehabilitation (DOR), Developmental Services (DDS), Employment

Development (EDD) and the California Community College Chancellor's Office (CCCCO) focused on the transition of youth and working age adults with developmental disabilities into integrated competitive employment.

- Strengthen regulations and processes that encourage the blending and braiding of funds between CDE, DOR, DDS, EDD, and CCCCCO to ensure seamless collaborative strategies for better employment outcomes.
- Identify and disseminate promising practices from partnerships such as DOR's College to Career Program where community colleges are providing inclusive education, job preparation, and placement services for integrated competitive employment.
- Develop and implement evaluation strategies to determine effectiveness of models for interagency collaboration and coordination.

Pursuing such recommendations enhances interagency collaboration and strengthens the linkages between decision makers of agencies that play a role in supporting and expanding employment first.

Evaluating Outcomes

A core goal of implementing an Employment First policy is that people who desire to work will have the opportunity to do so. Outcomes, which can be impacted by the individual program plan (IPP) development process, must be established and measured to determine the progress made toward this goal. Therefore, the Council finds that the following outcomes should be established and measured. The Council will provide updates on the progress made in achieving these outcomes in subsequent annual reports.

By December 31, 2012, the number of individuals with developmental disabilities employed in California state government will increase by 5%.

By December 31, 2012, 10% of individuals with developmental disabilities receiving services in sheltered workshops will transition to integrated employment opportunities.

By December 31, 2013, the number of individuals with developmental disabilities working in integrated competitive employment will increase by 10%.

- Using data from Table 5 on page 36, it appears that there has been a decrease in the number of individuals with developmental disabilities working in integrated competitive employment.

By December 31, 2013, the number of individuals with developmental disabilities working in supported employment individual placement programs earning at least minimum wage will increase by at least 10%.

- Using data from Table 5 on page 36, it appears that there has been a decrease in the number of individuals with developmental disabilities working in integrated competitive employment.

By December 31, 2013, the number of individuals engaged in microenterprise businesses will increase by at least 5%.

- For the purpose of this outcome, microenterprise businesses are defined as the number of new businesses launched (with business licenses, tax payer identification numbers other than social security numbers, separate business bank account, etc.).

By December 31, 2013, the gross receipts of individuals with developmental disabilities engaged in microenterprise businesses will increase by at least 5%.

By December 31, 2014, the number of individuals with developmental disabilities who transition into integrated employment competitive from high school will increase by at least 10%.

By December 31, 2014, 100% of working age individuals with a developmental disability will have employment discussed and explored at the individual program plan (IPP) meeting, and if the person wishes to work, barriers to work will be identified, steps will be developed to overcome them, and a plan to work will be incorporated into the IPP.

- In the midst of the legislative process at the time of this writing, AB 2338 (please see page 23 and Appendix B) requires regional centers, when

developing an individual program plan (IPP) for transition age youth or working age adults, to consider the Employment First policy while not infringing upon an individual's right to make informed choices about services and supports. Additionally, AB 2338 requires the regional centers to provide information to families and consumers about the Employment First policy, employment options, and postsecondary education in order to facilitate people getting and keeping jobs in integrated competitive employment.

By December 31, 2014, the number of individuals with developmental disabilities who transition into post secondary education will increase by at least 5%.

By December 31, 2014, develop a methodology to measure reduced reliance on public benefits by individuals with developmental disabilities because they have entered into integrated competitive employment.

Next Steps and Conclusion

Enormous commitment, much effort, and significant resources will be required to accomplish even a fraction of the recommendations in this report. However, moving California toward employment first is an undertaking of critical importance in order to facilitate the dignity and independence of individuals with developmental disabilities. And like every great journey, it begins with one step.

The first step to making employment first a reality in California is the passage of AB 2338 (please see page 23 and Appendix B), which among its provisions includes incorporating the Employment First policy (page 24) into California statute. Further, require that all state agencies that serve individuals with developmental disabilities (DDS, DOR, EDD, CDE, etc.) adhere to its tenets, while respecting an individual's right to make choices about their own life. In order to measure progress toward the employment first goal, agencies that collect and retain data on the status of individuals with developmental disabilities must develop a coordinated data collection and reporting system which allows for the tracking of individuals throughout their lives across numerous service delivery agencies and organizations.

Another step, most ready for legislative action, is to support **Goal 0** (page 49), which is to ensure that self-directed services are available as an option

to all individuals with developmental disabilities. By bringing the tools of self-determination and individual choice budgeting available through self-directed services, people will be able to secure the resources, services, and support that best meet their needs.

- At the time of this writing, Assembly Bill (AB) 1244 was introduced by Assemblymember Wesley Chesbro on February 18, 2012. AB 1244 creates the Self-Determination Program within the existing developmental services system to provide individuals with a single, capitated funding allocation they may use to purchase services that support goals identified in individual program plans (IPPs). This program can place greater flexibility in the hands of persons served by regional centers while at the same time potentially generating short and long term cost savings to the state. The State Council on Developmental Disabilities supports AB 1244.

Other strategies most ready for immediate legislative or regulatory action are:

- **Strategy B3-1:** In order to provide individuals needed support to obtain integrated competitive employment, allow day programs, on an individual, time limited-basis, to convert group day service rates to a 1 to 1 hourly service for an individual who is actively seeking integrated competitive employment so they can receive necessary supports at no additional costs to the service system.
- **Strategy C3-1:** Amend Welfare and Institutions Code Section 4692 to exempt, on an individual basis, services that support individuals in integrated competitive employment from reductions that impact their potential for success in their jobs.
- **Strategy C3-2:** Amend existing regulations that prohibit a resident from being unsupervised for a limited period of time in a licensed community care facility when that person is employed in integrated competitive employment.
- **Strategy D2-2:** Require government contractors to ensure at least 0.5% of their workforce includes individuals with developmental disabilities.

Through the Employment First Committee, the Council has collaborated with key agencies and organization. The Council will continue to work with these agencies and organizations in order to refine and pursue strategies that are appropriate within the Council's overall mission. Further, it will advocate for and collaborate with other agencies and organizations toward the implementation of goals and strategies that are outside of the Council's area of direct responsibility. Progress made will be outlined in subsequent annual reports.

In light of the recommendations made surrounding the existing sources of data (page 18), the outcome measurements need to be developed and refined. Doing so will enable the outcomes to be measured not only on a *relative* level, but also on an *absolute* level. The Council will continue to work with an interagency group exploring these issues and anticipates issuing specific recommendations.

Moving California toward employment first will result in more individuals with developmental disabilities living more independent lives through integrated competitive employment. The Council welcomes the opportunity to work with leaders to craft a system whose outcome is support that can truly be counted upon by individuals with developmental disabilities to obtain and keep integrated competitive jobs.

Acknowledgements

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Additionally, the Council thanks the Institute for Community Inclusion, the State Employment Leadership Network (SELN), APSE, and the Collaboration for Self-Determination (CPSD) for laying the foundation that inspired much of this report.

MUST FIX LETTERING & TITLES OF APPENDICES
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APPENDIX A

Status of Employment of Individuals with Developmental Disabilities

“Work provides more than a paycheck. It brings dignity and community. When businesses open job opportunities to men and women with disabilities, everyone benefits – the individual, the company and society at large.”³³

The Effects of Unemployment

“...I leave you with a quote from a woman with a developmental disability, Ms. Susan Willis, who shared this insight with ADD as part of our recent listening sessions, “When meeting someone new, we almost always ask, ‘What do you do?’ A person’s work seems to define who he or she is. It certainly gives people, especially those with disabilities, a sense of self-worth and confidence. With employment comes some level of self-sufficiency, and with that – independent living. Without a full or part-time job at reasonable wages, none of this can be realized.”³⁴

There is an expectation of work in American society. When any person wishes to work, they do so with the understanding that earning an income will put them on the path to obtain the things they need and want – food, housing, clothing, luxuries, and so on. It is the path to dignity and pursuit of one’s dreams. However this path is elusive to young adults with disabilities

³³ Testimony by David Egan, attributed to Dr. Shrader, CEO of Booz Allen Hamilton, before the U.S. Senate Health, Education, Labor and Pensions Committee Improving Employment Opportunities for People with Intellectual Disabilities on Wednesday, March 2nd, 2011

³⁴ Testimony of Sharon Lewis, Commissioner, Administration on Developmental Disabilities, on Employment of Individuals with Development Disabilities to United States Senate Committee on Health, Education, Labor and Pensions, Wednesday, March 2, 2011

as they are three times likelier to live in poverty as adults than their peers without disabilities.³⁵

Poverty Rates in 2010 for Disability Subgroups by Employment Status (Table 1)

	Percent Living below the Poverty Line (Poverty Rate)	
	Not employed	Employed
People with No Disability	27.4%	7.1%
People with Any Disability	35.1%	11.1%
People with a Cognitive Disability	38.3%	16.6%
People with a Cognitive Disability who Received SSI	43.5%	14.8%

When someone who wishes to work cannot find a job, the impact is enormous: a lack of dignity, perhaps even shame; reliance and dependency on public benefits; and poverty, substandard housing, difficulty maintaining one's health, and so on. Nationally, as noted in the American Community Survey (2010),³⁶ 13% of people without a disability live in households below the poverty threshold (as compared to 13.4% in 2009) while 27.2% of people having any type of disability live below the poverty threshold (as compared to 26.5% in 2009). Of those with intellectual disabilities who are receiving Supplemental Security Income (SSI), 41.1% are living below the poverty threshold (as compared to 42.3% in 2009).³⁷

For millions of people living in poverty, government-provided health care, such as Medicaid and Medicare, is a safety net. For many individuals with developmental disabilities, health care is a lifeline. Individuals with developmental disabilities typically require more complex and costly services than other health care recipients without disabilities. Frequently,

³⁵ National Collaborative on Workforce and Disability for Youth (n.d.), *Guideposts for Success* (Second Edition). Retrieved from http://www.ncwd-youth.info/sites/default/files/page/2009/02/guideposts_0.pdf (PDF, 12 Pages), on May 23, 2011.

³⁶ The American Community Survey is a national survey designed by the U.S. Census Bureau to better understand changing communities. It collects information from all 50 states and Washington D.C. on issues such as disability, age, race, commute time to work, income, and other personal demographic data.

³⁷ Testimony of William Kiernan, Institute for Community Inclusion, University Center on Developmental Disabilities, to United States Senate Committee on Health, Education, Labor and Pensions, Wednesday, March 2, 2011

they also need health care from several different types of providers and they often need such services throughout their lifetimes.³⁸

The rate of poverty among individuals with developmental disabilities as compared to individuals with disabilities strikingly reveals the disproportionate and grave impact people with developmental disabilities are forced to bear.

Further, individuals with developmental disabilities, when not working, frequently receive other publically funded services, such as day programs. Employment helps people avoid poverty, establish or maintain independence, and reduces the need for publically funded services.

Employment Nationally

Nationally, there is little data pertaining specifically to the employment rates of individuals with developmental disabilities – there is data available regarding the employment rates of people with disabilities.

According to the Bureau of Labor Statistics' 2011 Annual Current Population Survey,³⁹ about 80% of people with disabilities were **not** in the workforce – neither employed nor unemployed – as compared to 30% of people without a disability;⁴⁰ these findings are the same as the 2009 report. People with disabilities in the workforce (4,861,000) account for 3% of the total workforce (153,617,000); this is a 1% drop from the 2009 report. Further, this data has largely been confirmed by the Institute for Community Inclusion.⁴¹

Labor market success indicators for working age adults by disability status⁴² (Table 2)

³⁸ "Medicaid Block Grant Information", The Arc, <http://www.thearc.org/page.aspx?pid=3085>, accessed April 26, 2011

³⁹ Please see Appendix B for more information on how this survey specifically defines and discusses disability.

⁴⁰ Bureau of Labor Statistics, 2011. *Persons with a Disability: Labor Force Characteristics*, Table A, <http://www.bls.gov/news.release/disabl.nr0.htm>

⁴¹ Butterworth et al (2012). *StateData: The National Report on Employment Services and Outcomes, 2011*, Boston, MA: Institute for Community Inclusion ID/DD Agency National Survey of Day and Employment Programs for People with Developmental Disabilities, p. 31

⁴² Butterworth et al (2012). *StateData: The National Report on Employment Services and Outcomes, 2011*, Boston, MA: Institute for Community Inclusion ID/DD Agency National Survey of Day and Employment Programs for People with Developmental Disabilities, p. 31

	No Disability	Any Disability	Cognitive Disability	Cognitive Disability with SSI Income
A. Percent Employed (Employment Rate)	70.3%	32.9%	22.8%	8.3%
B. Percent Unemployed	8.2%	8.5%	9.4%	3.4%
C. Percent Not in the Labor Force	21.5%	58.6%	67.8%	88.3%
Total (A+B+C)	100%	100%	100%	100%
Unemployment Rate (Number Unemployed/Number Employed + Number Unemployed)	10.4%	20.5%	29.2%	29.1%

It is critical to understand that when looking at employment and unemployment rates, regardless of the actual rates, a tremendous number of people with disabilities, including those with developmental disabilities, either lack the supports necessary to obtain or maintain employment, believe they experience employer discrimination, experience actual employer discrimination, or simply do not consider work as an option for them – possibly resulting from a lack of supports or perceived/actual employer discrimination.

According to the Bureau of Labor Statistics' Annual 2011 Current Population Survey, the employment rate of people with disabilities was 17.8% (as opposed to 19.2% in 2009) and among people without a disability in the workforce was 58.4% (as opposed to 59.3% in 2009).⁴³ The unemployment rate for people with disabilities was 15% as opposed to 8.9% for people without a disability; comparing this to the 2009 data, the employment rate for people with disabilities of 14.5% as opposed to 9.3% for people without a disability.

⁴³ Bureau of Labor Statistics, 2011. *Persons with a Disability: Labor Force Characteristics*, Table A, <http://www.bls.gov/news.release/disabl.nr0.htm>

The Department of Developmental Services indicates in their most recent report⁴⁴ that census data reveals that nationally 76.8% people in the general population are working aged (defined 21-64). They also indicate that the national employment rates of individuals with any disability is 36% and individuals with developmental disabilities is 23.9%. Although these numbers vary from the Bureau of Labor Statistics' Current Population Survey, they demonstrate the consistency in the data that there are marked differences between the employment rates of individuals in the general population, with any disability, and with developmental disabilities.

The January 2011 data indicated that the rate of employment for individuals with disabilities dropped to 17.4%, while for individuals without a disability the rate of employment dropped to 62.8%. The unemployment rate for individuals with disabilities dropped to 13.6%, while for individuals without a disability the rate increased slightly to 9.7%. The data indicate that the changes in the employment and unemployment rates for individuals with disabilities are accounted for by a decrease in the number of job seekers with disabilities.⁴⁵ Senator Tom Harkin, Chairperson of the Senate Committee on Health, Education, Labor and Pensions, affirmed that adults with disabilities are leaving the labor force during this recession at more than 10 times the rate of adults without disabilities⁴⁶ and these claims have largely been substantiated by research.⁴⁷ Although this trend has accelerated recently, these levels have historically been low and paint a grim picture regarding the rate of employment for individuals with disabilities – 8 of 10 people with disabilities are **not** in the workforce with that precise number increasing over time.

While national data are somewhat sparse regarding the employment of individuals with developmental disabilities, existing data indicate that 20.1% of individuals with intellectual and developmental disabilities worked in

⁴⁴ Department of Developmental Services (2012), "2009-2010 Annual Report: Employment and Day Programs"

⁴⁵ *Jobs Report Offers Mixed Signals for People with Disabilities*, 2/4/11, Disability Scoop, <http://www.disabilityscoop.com/2011/02/04/jan-2011-jobs/12187/>

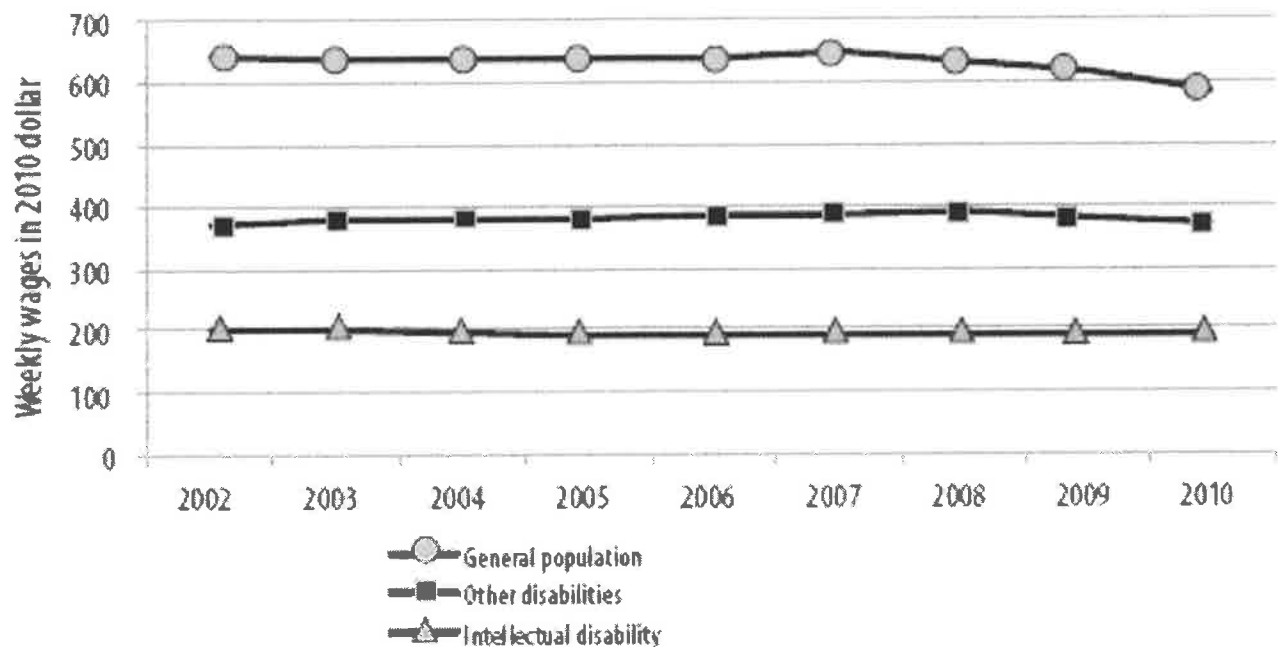
⁴⁶ Tom Harkin Press Release, April 12, 2011, <http://harkin.senate.gov/press/release.cfm?i=332449>, accessed May 5, 2011

⁴⁷ Brault, Matthew W. (2010). *Disability Among the Working Age Population: 2008 and 2009*, ACSBR/09-12, U.S. Census Bureau, Washington, DC.

integrated employment settings in 2010⁴⁸ as compared to 21.9% in 2008.⁴⁹ This drop, though relatively small, may illustrate a disturbing trend.

With regard to wages, weekly earnings in integrated employment at closure⁵⁰ increased slightly, even after adjusting for inflation and in spite of a decline in the weekly work hours. However, earnings are still substantially lower than in the general population. As the figure below reflects, the gap between earnings of adults with intellectual/developmental disabilities at closure and personal income in the general population is very large.⁵¹

Weekly Wages Expressed in 2010 Dollar Value (Table 3)



⁴⁸ Butterworth et al (2012). *StateData: The National Report on Employment Services and Outcomes, 2011*, Boston, MA: Institute for Community Inclusion ID/DD Agency National Survey of Day and Employment Programs for People with Developmental Disabilities, p. 63

⁴⁹ Butterworth et al (2010). *StateData: The National Report on Employment Services and Outcomes, 2009*, Boston, MA: Institute for Community Inclusion ID/DD Agency National Survey of Day and Employment Programs for People with Developmental Disabilities, p. 49

⁵⁰ "At closure" refers to wages earned at the time when the state's vocational rehabilitation agency concluded (closed) the provision of vocational rehabilitation services.

⁵¹ Butterworth et al (2012). *StateData: The National Report on Employment Services and Outcomes, 2011*, Boston, MA: Institute for Community Inclusion ID/DD Agency National Survey of Day and Employment Programs for People with Developmental Disabilities, p. 26

Because almost all of the national data doesn't apply specifically to individuals with a developmental disability, it is difficult to precisely compare California to the country. However, the national data does provide a snapshot of available data pertaining to individuals with a disability.

Employment in California

Although nationwide commentators and data may indicate that the nation's unemployment rate is on the decline and recovery is ahead, data indicate that California is not enjoying this improvement. California still has a massive job deficit, hundreds of thousands of Californians have unwillingly dropped out of the job market, long-term unemployment is at an all time high, job growth was geographically uneven, and the gap between low wage and high wage earners has widened.⁵²

The American Community Survey (a national survey designed by the United States Census Bureau) collects information from all 50 states and Washington D.C. on issues such as disability, age, race, commute time to work, income, and other personal demographic data. According to the data from their 2010 survey,⁵³ California had approximately 24,460,589 working aged adults (16 to 64), 1,859,690 who have any disability, and 797,330 who have a cognitive disability.⁵⁴ While the American Community Survey does not collect data regarding developmental disabilities, surveying those with cognitive disabilities can serve as the most general of approximations.

The ACS data for California indicate that in 2010 approximately 8 in 10 people with a mental disability were **not** in the workforce – neither employed nor unemployed – as compared to approximately 7 in 10 people with any disability and 4 in 10 people without a disability. People with a cognitive disability in the workforce (165,953) accounted for 1% of the total workforce, while people with any disability (578,006) accounted for 3.7% of the total workforce (15,599,353).

⁵² California Budget Project (2012). *On the Edge: California's Workers Still Face the Toughest Job Market in Decades*, retrieved from http://www.cbp.org/pdfs/2011/110903_On_The_Edge.pdf on June 26, 2012

⁵³ Butterworth et al (2012). *StateData: The National Report on Employment Services and Outcomes, 2011*, Boston, MA: Institute for Community Inclusion ID/DD Agency National Survey of Day and Employment Programs for People with Developmental Disabilities, p. 91

⁵⁴ The American Community Survey is a national survey designed by the U.S. Census Bureau to better understand changing communities. The term "mental disability" is defined as difficulty learning, remembering, or concentrating.

The Department of Developmental Services indicates in their most recent report⁵⁵ that 74.3% of California working age adults (defined 21-64) are employed. The data also indicate that the employment rates of individuals with any disability is 34.2% and individuals with developmental disabilities is 13.0%.

*Comparison of United States Employment Rates to California Employment Rates*⁵⁶
(Table 4)

	United States Working-Age	California Working Age
General Population	76.8%	74.3%
Individuals with any disability	36.0%	34.2%
Individuals with developmental disabilities	23.9%	13.0%

While the data are slightly different in California than nationally, a tremendous number of people with disabilities, including those with developmental disabilities, either lack the supports necessary to obtain or maintain employment, experience perceived or actual employer discrimination, or simply do not consider work as an option for them.

The California Department of Rehabilitation (DOR) funds individuals and organizations to provide services for people with disabilities. These services include individual placement supported employment services (typically integrated employment earning at least minimum wage) and group placement supported employment services (typically employment working alongside other people with disabilities earning subminimum wage in integrated workplaces).⁵⁷ DOR does not have data available specifically for individuals with developmental disabilities because the federal Rehabilitation Services Agency (RSA) determines how DOR tracks data and RSA's guidelines do not align with the definition of "developmental disabilities" as used by the service system in California. DOR reports that over 5% of those they serve are also served by regional centers.

⁵⁵ Department of Developmental Services (2012), "2009-2010 Annual Report: Employment and Day Programs"

⁵⁶ Department of Developmental Services (2012), "2009-2010 Annual Report: Employment and Day Programs"

⁵⁷ The Glossary has a more detailed explanation of these programs.

According to 2008 national data of vocational rehabilitation closures, 83% of the individuals identified with a developmental disability have been diagnosed with an intellectual disability, 6% have been diagnosed as people with epilepsy, 7% have been diagnosed as people with cerebral palsy, and 4% have been diagnosed as people with autism. At the time of this writing, such data are not available for California.⁵⁸

For the FY 2009-10, DOR data regarding individual placement supported employment services indicated that 4,192 people had an open case (people were receiving services funded by DOR), 703 people had their cases closed successfully in integrated employment (people were employed upon case closure), and 684 people had their cases closed unsuccessfully (people were not employed upon case closure). The average wages were \$878 per month.

For the FY 2009-10, DOR data regarding group placement supported employment services indicated that 2,556 people had an open case, 911 people had their cases closed successfully (typically working alongside other people with disabilities earning subminimum wage), and 366 people had their cases closed unsuccessfully (not employed upon case closure). The average wages were \$703 per month.

DOR data reveals that people served through the individual placement supported employment program earn higher wages, but people served through the group placement supported employment program have proportionally more successful case closures. Appendix C demonstrates a similar pattern over the past five fiscal years, although the number of those served in FY 2009-10 is less than the preceding three years. Notably, the average monthly wages for those in the individual placement supported employment program increased in FY 2009-10.

The Department of Developmental Services (DDS) provided data regarding the employment of individuals with developmental disabilities served through regional centers.⁵⁹ As can be seen by the data in Table 5, there

⁵⁸ Butterworth et al (2010). *StateData: The National Report on Employment Services and Outcomes, 2009*, Boston, MA: Institute for Community Inclusion ID/DD Agency National Survey of Day and Employment Programs for People with Developmental Disabilities, p. 22

⁵⁹ Department of Developmental Services (2012), "2009-2010 Annual Report: Employment and Day Programs"

have been steady increases from FY 2005-06 through FY 2009-10 in the number of individuals with developmental disabilities who are in group placement supported employment, individual placement supported employment, look-alike programs (programs in which people are employed, but through different vendor or activity codes than the prior two categories).⁶⁰ There has been a commensurate decrease in the number of individuals who are in work activity programs.

Department of Developmental Services Data for All People Served through a Regional Center (Table 5)

Persons Receiving Services: Statewide					
FY	SEP Group	SEP Individual	WAP	Day Program	Look Alike
2004-05	4,610	4,757	12,090	36,641	6,396
2005-06	4,548	4,842	11,988	37,629	6,651
2006-07	5,264	4,976	11,499	38,555	7,565
2007-08	5,623	5,004	11,063	39,471	8,819
2008-09	5,863	5,065	11,101	40,553	10,104
2009-10	5,903	4,836	10,824	41,843	10,867

As of December 2007,⁶¹ DDS served (through the regional centers) 193,533 individuals with developmental disabilities,⁶² 107,137⁶³ of which were aged 18 to 61.⁶⁴ Extrapolating this ratio to the number of served by DDS through June 2009 (206,494),⁶⁵ approximately 114,312 individuals with developmental disabilities are aged 18 to 61. During the Fiscal Year 2008–09, DDS data indicated that 21,013 individuals are served in group and individual placement supported employment and look-alike programs.

⁶⁰ Department of Developmental Services (2012), "2009-2010 Annual Report: Employment and Day Programs", p. 20

⁶¹ Per December 2007, Quarterly Client Characteristics Report, www.dds.ca.gov/FactsStats/docs/Dec07_QRTTBLS.pdf

⁶² DDS has indicated on their website that there are changes in how DDS collects data and the demographics of those served will be unavailable until later in 2011. As of June 22, 2012, the data remains unavailable and DDS' website continues to indicate the data will be unavailable until late 2011.

⁶³ Per December 2007, Quarterly Client Characteristics Report, www.dds.ca.gov/FactsStats/docs/Dec07_QRTTBLS.pdf, table #02, status 2 and 8

⁶⁴ DDS currently groups its demographics data in such a way that data for working aged adults between 16 and 64 is unavailable.

⁶⁵ Per June 2009, Monthly Consumer Caseload Report, www.dds.ca.gov/FactsStats/docs/June09_Caseload.pdf

This would suggest an 18% rate of workforce participation by individuals with developmental disabilities in California as compared to the approximate 20% federal workforce participation rate for people with a disability.

According to the Institute for Community Inclusion,⁶⁶ of the 74,273 people receiving services during the FY 2009–10, 15% (10,739) worked in integrated employment,⁶⁷ 71% (52,710) are involved in community-based non-work,⁶⁸ and 14.5% (~10,686) are involved in facility-based work⁶⁹ and non-work settings.⁷⁰ This data was largely the same in the previous fiscal year. To provide a context, data collected since 1988 nationally have demonstrated that more individuals with developmental disabilities have been served in sheltered and non-work settings than integrated competitive employment.⁷¹ Further, national data indicate that 20.1% of individuals with developmental disabilities work in integrated employment during the FY 2009-10.⁷² This is a decline from 22% in the previous fiscal year.

In 2007, people without a disability nationally earned a mean weekly wage of \$771.⁷³ In California for the same year, the mean weekly earnings of people at closure from DOR services were \$343, while for individuals with

⁶⁶ Butterworth et al (2012). *StateData: The National Report on Employment Services and Outcomes, 2011*, Boston, MA: Institute for Community Inclusion ID/DD Agency National Survey of Day and Employment Programs for People with Developmental Disabilities, p. 21

⁶⁷ This data defines integrated employment services as services provided in a community setting and involve paid employment of the participant; specifically, *competitive employment, individual supported employment, group supported employment, and self employment supports*.

⁶⁸ Community based non-work includes all services that are focused on supporting people with disabilities to access community activities in settings where most people do not have disabilities. It does not include paid employment.

⁶⁹ Facility-based work includes all employment services which occur in a setting where the majority of employees have a disability. These activities occur in settings where continuous job-related supports and supervision are provided to all workers with disabilities. This service category is typically referred to as a Sheltered Workshop, Work Activity Center, or Extended Employment program.

⁷⁰ Facility-based nonwork includes all services that are located in a setting where the majority of participants have a disability and does not involve paid employment of the participant.

⁷¹ Testimony of William Kiernan, Institute for Community Inclusion, University Center on Developmental Disabilities, to United States Senate Committee on Health, Education, Labor and Pensions, Wednesday, March 2, 2011

⁷² Butterworth et al (2012). *StateData: The National Report on Employment Services and Outcomes, 2011*, Boston, MA: Institute for Community Inclusion ID/DD Agency National Survey of Day and Employment Programs for People with Developmental Disabilities, p. 21

⁷³ Butterworth et al (2010). *StateData: The National Report on Employment Services and Outcomes, 2009*, Boston, MA: Institute for Community Inclusion ID/DD Agency National Survey of Day and Employment Programs for People with Developmental Disabilities, p. 25

developmental disabilities the mean weekly earnings were \$223.⁷⁴ The Department of Developmental Services (DDS) has made data available⁷⁵ that indicates in 2007 the average wage of individuals served by regional centers was roughly \$542 per month.⁷⁶ Per DDS' data, this salary has varied by no more than \$25 per month over the years subsequent to 2007 through 2010.

While no data set completely meets the needs of California in order to measure outcomes to increase integrated competitive employment for individuals with developmental disabilities, the DDS data set is reasonably accurate. One could conclude that a tremendous number of people with disabilities, including those with developmental disabilities, either lack the supports necessary to obtain or maintain employment, experience perceived or actual employer discrimination, or simply do not consider work as an option for them. Further, if an individual with a developmental disability is fortunate enough to be employed, it is likely that they will earn substantially less wages than others.

The Impact of Postsecondary Education on Employment Outcomes

Postsecondary education is generally associated with positive outcomes regarding employment and level of wages earned. In recent years, there has been a growing interest in postsecondary education for students with intellectual and developmental disabilities as a way to improve employment and other key area of life.⁷⁷ National data demonstrate that students with intellectual disabilities that access postsecondary education services and successfully completed an education program (non-degree postsecondary program, associate degree, vocational/technical certificate, bachelor's degree, or graduate degree) were more likely to have a job in integrated

⁷⁴ Butterworth et al (2010). *StateData: The National Report on Employment Services and Outcomes*, 2009, Boston, MA: Institute for Community Inclusion ID/DD Agency National Survey of Day and Employment Programs for People with Developmental Disabilities, p. 81

⁷⁵ Department of Developmental Services (2012), "2009-2010 Annual Report: Employment and Day Programs", p. 3

⁷⁶ Wages were reported for the fourth quarter of the calendar year. Monthly salary was simply calculated by dividing the fourth quarter earnings. While not necessarily completely accurate of monthly salary, it serves as a rough approximation.

⁷⁷ Butterworth et al (2012). *StateData: The National Report on Employment Services and Outcomes*, 2011, Boston, MA: Institute for Community Inclusion ID/DD Agency National Survey of Day and Employment Programs for People with Developmental Disabilities, p. 33

employment and earn more wages.⁷⁸ These results have been replicated for students with a disability or a cognitive disability, but not for those with a cognitive disability who receive social security income.⁷⁹

Educational Enrollment Status among Individuals Aged 18 through 25⁸⁰ (Table 6)

	No Disability	Any Disability	Cognitive Disability	Cognitive Disability with SSI Income
Not Enrolled in School	54.5%	72.1%	76.2%	88.8%
Enrolled as an Undergraduate	42.1%	26.8%	23.1%	11.0%
Enrolled as a Graduate Student	3.4%	1.2%	0.7%	0.2%
Total Number of Individuals	29,934,784	1,571,915	1,007,555	242,704

Percentage of Individuals Employed within Enrollment Status among Individuals Aged 18 through 25⁸¹ (Table 7)

	Employed, No Disability	Employed, Any Disability	Employed, Cognitive Disability	Employed, Cognitive Disability with SSI Income
Not Enrolled in School	67.8%	34.3%	28.6%	14.3%
Enrolled as an Undergraduate	50.3%	39.1%	35.0%	12.1%
Enrolled as a Graduate Student	60.6%	60.3%	52.4%	0.0%
All Transition Age Youth	60.2%	35.9%	30.2%	14.0%

Employment Rate by Educational Attainment for Those Not Currently Enrolled in School Ages 18 through 25⁸² (Table 8)

	Employed,	Employed,	Employed,	Employed,
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⁷⁸ Migliore, A. & Butterworth, J., 2008. *Postsecondary Education and Employment Outcomes for Youth with Intellectual Disabilities*, DataNote Series, Data Note XXI. Boston, MA: Institute for Community Inclusion.

⁷⁹ Butterworth et al (2012). *StateData: The National Report on Employment Services and Outcomes, 2011*, Boston, MA: Institute for Community Inclusion ID/DD Agency National Survey of Day and Employment Programs for People with Developmental Disabilities, p. 34

⁸⁰ Butterworth et al (2012). *StateData: The National Report on Employment Services and Outcomes, 2011*, Boston, MA: Institute for Community Inclusion ID/DD Agency National Survey of Day and Employment Programs for People with Developmental Disabilities, p. 34

⁸¹ Butterworth et al (2012). *StateData: The National Report on Employment Services and Outcomes, 2011*, Boston, MA: Institute for Community Inclusion ID/DD Agency National Survey of Day and Employment Programs for People with Developmental Disabilities, p. 34

⁸² Butterworth et al (2012). *StateData: The National Report on Employment Services and Outcomes, 2011*, Boston, MA: Institute for Community Inclusion ID/DD Agency National Survey of Day and Employment Programs for People with Developmental Disabilities, p. 36

	No Disability	Any Disability	Cognitive Disability	Cognitive Disability with SSI Income
No Schooling Completed	46.9%	13.9%	10.3%	5.7%
Primary School	62.6%	20.1%	14.8%	2.6%
Secondary School, Not Completed	47.7%	22.8%	19.1%	9.6%
GED or Alternative Credential	55.0%	29.5%	28.9%	17.1%
Regular High School Diploma	64.5%	36.2%	31.2%	19.0%
College Credit, but No Degree	74.0%	48.4%	42.7%	12.0%
Associate Degree	83.1%	51.9%	44.7%	9.7%
Bachelor's Degree	87.0%	71.3%	66.2%	0.0%
More Than a Bachelor's Degree	87.1%	79.3%	75.9%	0.0%
Total	67.8%	34.3%	28.6%	14.3%

National Data: Postsecondary Educational Services and Earnings for Students with Intellectual Disabilities, 2007-08 (Table 9)

Students with ID who received:	Total Number	Closures Into Employment		Earnings per week
		Number	Percentage	
No PSE service	34,931	11,261	32%	\$195
PSE services	1,223	589	48%	\$316
PSE services and attained a higher level of education	537	312	58%	\$338

In 2008, California data demonstrate similar findings; students with intellectual disabilities that access postsecondary education services and successfully completed an education program (non-degree postsecondary program, associate degree, vocational/technical certificate, bachelor's degree, or graduate degree) were more likely to have a job in integrated employment and earn more wages.⁸³

California Data, Postsecondary Educational Services and Earnings for Students with Intellectual Disabilities, 2008. (Table 10).

Students with ID who received:	Total Number	Closures Into Employment		Earnings per week
		Number	Percentage	
No PSE service	2,919	954	33%	\$212
PSE services	287	102	36%	\$335
PSE services and attained a higher level of education	113	71	63%	\$348

⁸³ Hart (2010), Personal Communication, Boston, MA: Institute of Community Inclusion, University of MA, Data from the Voc Rehabilitation, Research and Training Center.

The data demonstrate that investing in programs that support students with intellectual disabilities in the postsecondary environment will have positive outcomes – both in employment and wages.

Unfortunately, California's ability to invest in such programs is limited. In 2009, because of the ongoing budget crisis, community colleges sustained a \$333 million in cuts to categorical programs in California Community Colleges.⁸⁴ The cuts to the Disabled Student Programs and Services⁸⁵ (DSPS) have resulted in:

- almost 20% less DSPS staffing;
- increased workloads which most DSPS coordinators do not believe are sustainable;
- concerns that current DSPS staffing do not meet the minimum qualifications;
- reductions or elimination of essential services that are not mandated by law such as tutoring for students with disabilities, learning disability assessments, counseling, special classes, assistance with faculty and other college staff, and general tutoring;
- negative impacts to students including delays in completing their degree or program or withdraw from course as a result of reduced or eliminated services; and,
- belief in an inability for DSPS staff to maintain their current level of effort.

DSPS staff worry that any further cuts will result in their program being unable to provide adequate services to students, leading to academic declines, unequal access to education, and, ultimately, an increase in complaints, grievances, and even lawsuits.

While California is experiencing the impact of these cuts, others are accessing federal grants to expand postsecondary programs. In 2008, the reauthorization of the Higher Education Opportunities Act (HEOA, PL 1110-315) included for the first time provisions that will improve PSE for students

⁸⁴ MPR Associates (2012). *Effects of Reduced Funding on Disabled Students Programs and Services in California Community*, p.v, prepared under contract to California Community Colleges Chancellor's Office, retrieved from <http://extranet.cccco.edu/Portals/1/SSSP/DSPS/Research/DSPS%20Final%20Report.pdf> on June 25, 2012

⁸⁵ The DSPS program provides support services and educational accommodations to students with disabilities so that they can have full and equitable access to the community college experience. In addition, many colleges provide specialized instruction for specific populations of disabled students such as those with intellectual disabilities as part of their DSPS program.

with intellectual disabilities by making it more affordable, funding model demonstration programs and a coordinating center.

The HEOA makes college more affordable for students with intellectual disabilities, by for the first time allowing those who attend an eligible comprehensive transition and postsecondary program to receive:

- Federal Pell Grant,
- Federal Supplemental Education Opportunity Grant, and
- Federal Work-Study programs funds
- Implementing regulations developed through negotiated rulemaking process

In October 2010, twenty-seven institutions of higher education in partnership with their local education agency were awarded 5-year funding to establish Transition and Postsecondary Programs for Students with Intellectual Disabilities (TPSID). Three of the programs are in California, Pathway at UCLA Extension, Wayfinders at Fresno State, and the Transition to Independent Living program at Taft College. A Coordinating Center at the Institute for Community Inclusion at the University of Massachusetts was awarded to provide technical assistance, evaluation, and develop accrediting standards.

The Department of Rehabilitation (DOR) is playing an important role in supporting postsecondary education opportunities that lead to employment in California. DOR recently awarded 4-year contracts to establish the College to Career (C2C) program at 5 community colleges, the College of Alameda, Santa Rosa Junior College, North Orange County Community College District, San Diego City College and Sacramento City College. These colleges will provide a coordinated set of focused academic and vocational activities for students with developmental disabilities that lead to integrated gainful employment. All students must qualify for services by the regional center. The Tarjan Center at UCLA will be evaluating the outcomes of the C2C programs. Both the TPSID and C2C programs provide individualized supports for the academic and social inclusion of students and opportunities to be involved in college experiences with their peers without disabilities.

APPENDIX B

Key Principles Underpinning California's Employment First Policy

Employment First has a set of guiding principles that provide a framework for its implementation.

- The individual program plan (IPP) and the provision of services and supports is centered on the individual and the family. The IPP and the provision of services take into account the needs and preferences of the individual and family, where appropriate, as well as promoting community integration, independent, productive, and normal lives, and stable and healthy environments.
- The current low employment rate of individuals with developmental disabilities in the workforce is unacceptable.
- Employment is the preferred option when developing goals and a life plan for individuals with developmental disabilities.
- Individuals retain the right to make choices about their own lives.
- All people have the right to pursue the full range of available employment opportunities, and to earn a competitive wage in a job of their choosing, based on their talents, skills, and interests.
- Access to choices and opportunities to earn competitive wages is essential if individuals with developmental disabilities are to be contributing members of society.
- All working age youths and adults with developmental disabilities are able to and will have the choice and opportunity to work in jobs integrated with the general workforce, working side-by-side with co-workers without disabilities, earning benefits and competitive wages.
- As with other individuals, employees with developmental disabilities may require assistance and support to ensure job success and have a right to those supports.

- Implementation of Employment First principles must be based on clear public policies, adequate funding, and practices that ensure employment of individuals with developmental disabilities with the general workforce.
- Inclusion or exclusion of the specific term “Employment First” does not determine whether a public system or agency has adopted employment first principles. Such a determination can only be made by examining whether the underlying policies, procedures, funding structure, and infrastructure are designed for and ultimately result in increased integrated competitive employment for individuals with developmental disabilities.

APPENDIX C

Measuring Successful Implementation of Employment First

The outcome of Employment First is increased participation in integrated competitive employment by individuals with developmental disabilities. Further, there is an expectation that individuals with developmental disabilities will have the same opportunities as their co-workers: earning prevailing wages, and provided benefits and opportunities for advancement. Below are characteristics that would demonstrate the successful implementation of Employment First.

- Increases in employment, income, continuity of employment, and benefits of individuals with developmental disabilities within the general workforce, earning competitive wages and benefits.
- Increases in opportunities exist for individuals with developmental disabilities to pursue self-employment and the development of microenterprises or small businesses.
- Individuals with developmental disabilities are employed with the general workforce, regardless of the severity of disability and need for accommodation available to the general workforce.
- Young individuals with developmental disabilities have work experiences that are typical of other youth.
- Individuals with developmental disabilities are valued by employers as an integral part of their workforce as evidenced by their inclusion within their workforce culture, career development, and general recruitment and hiring efforts.
- Individuals with developmental disabilities have avenues for increasing income and benefits, accruing assets, and building wealth.
- Individuals with developmental disabilities have increased opportunities to advance in their careers.
- Employers' reasonable accommodations and supports are available as needed.

- Futures plans for youth and adults with developmental disabilities (such as individual program plans) address integrated competitive employment while respecting an individual's right to control their future.
- Individuals who are in non-work activities and/or sheltered workshops evolve into integrated competitive employment.
- Regional centers, the Department of Developmental Services, the Employment Development Department, the Department of Rehabilitation, and other agencies track individuals' life changes and work status.
- Technical assistance,⁸⁶ appropriate funding, knowledge, skill development, and benefits management and support is available to individuals with developmental disabilities, serve and support providers, job developers, job coaches, agencies, and employers.
- Options of postsecondary education, career education, adult education, etc. are identified and pursued if so desired by the individual.
- Enrollment and graduation rates increase for post-secondary education and career school.
- Every school district has cooperative working arrangements and relationships with the Department of Rehabilitation, regional centers, local service providers, and colleges designed to develop collaborative approaches, services, and positive outcomes for students into work and/or postsecondary education.
- The employment of individuals with developmental disabilities follows natural proportions.
- There is access to appropriate technology needed to maximize skills and earnings.

⁸⁶ Technical assistance is imparting brief, professional information.

APPENDIX D

Employment First Best Practices

Best practices exist for the employment of individuals with disabilities within varied settings such as one stop service centers, state government, and federal government. One study⁸⁷ of nationwide best practices for increasing the number of individuals with developmental disabilities in integrated employment included the following:

- Existence of strong, clear and unambiguous state developmental disabilities agency policies, rules, and programmatic requirements intended to support a clearly articulated agency preference for, and commitment to, integrated employment for individuals with developmental disabilities;
- Use of funding incentives to encourage the expansion of integrated employment opportunities and/or funding disincentives to discourage the use of facility-based employment and non-work services;
- Liberal definition for the kinds of employment arrangements which qualify for supported employment funding;
- Adequate state agency staffing dedicated to employment;
- Investment in on-going training and technical assistance;
- Commitment to supporting organizational change among facility-based providers; and
- Use of a comprehensive data tracking system focused on integrated employment outcomes.

When conducting an analysis of high performing states in integrated employment, one study⁸⁸ noted the following themes of what is working:

⁸⁷ "Revitalizing Integrated Employment: A Study of Nationwide Best Practices for Increasing Integrated Employment Outcomes Among People with Developmental Disabilities", Lisa Mills, Ph.D., <http://www.nchsd.org/libraryfiles/Conferences/2007/MillsRevitalizingIntegratedEmploymentFinalSept07.pdf>

⁸⁸ "High-Performing States in Integrated Employment", A. Cohen, J. Butterworth, D. Gilmore, & D. Metzel, Research to Practice, Vol. 9, No. 1, February 2003

- Clearly defined goals and data collection;
- Strong agency leadership;
- Interagency collaboration;
- Ongoing training and outreach;
- Communication through relationships;
- Local control; and
- Flexibility and respect for innovation.

Further, promising practices are emerging to help understand the factors that influence employment outcomes consistent with employment first. Themes and strategies for these practices are:⁸⁹

- Create mutually agreed-upon standards for integrated employment and unified commitment to goals.
 - Create clear and explicit definitions, vision statements, parameters, desired outcomes, and expectations that define intentions and the processes for achieving them.
 - Ensure employment is a priority in the allocation of resources (staff, funds, schedules) in order to achieve goals.
 - Establish clear interagency commitment to vision and goals, and formalize performance expectations from each agency.
 - Define the desired outcomes the system wants to pay for and focus policy on achieving those outcomes.
- Communicate the message of employment as the preferred outcome.
 - Think creatively about promoting your message to the broadest range of groups.

⁸⁹ Butterworth et al (2012). *StateData: The National Report on Employment Services and Outcomes, 2011*, Boston, MA: Institute for Community Inclusion ID/DD Agency National Survey of Day and Employment Programs for People with Developmental Disabilities, p. 50-51

- Identify modes of communication that are both engaging and efficient, such as websites, e-newsletters, and social networking strategies.
- Regularly share information with other states so states can learn from one another's challenges and successes.
- Use data-collection systems to share progress made with providers and other key stakeholders.
- Encourage individuals with disabilities and their families to tell stories about their experiences in integrated employment.
- Connect with local and state legislators to champion employment.
- Highlight practices that exemplify multi-level communication, as well as timely and appropriate communication of core organizational values and messages.
- Establish lasting linkages.
 - Collaborate with other organizations to broaden your network and gain resources for promoting your message.
 - Ensure that decision-makers are actively participating from each agency, i.e., staff who have the authority to allocate staffing and other resources.
 - Ensure that different regions have opportunities to share one another's priorities and activities around employment. Linkages are not only between stakeholder groups but also between levels within the state.
 - Cast a wide net. Collaborate not only with agencies that share a common goal, but also those that do not.
 - Consider the consequences when opposing viewpoints are not part of the process.
 - Involve stakeholders such as providers, advocates, and families in the design of your state's data system, making sure to include

individuals who are knowledgeable about the state's integrated employment services.

- Measure, monitor, and evaluate.
 - Move beyond the collection of data to the strategic use of data. Data can influence change at all levels, from individual and family decisions to provider contracting and state investment of resources.
 - Use data to communicate priorities, and to inform and promote conversation about employment.
 - Be clear about the goals of data-collection initiatives and their link to the overarching system's goals.
 - Create policy language that makes it a requirement for providers and other necessary data sources to make data available.
 - Ensure a clear plan for using data after it is collected. Use data in evaluation and goal-setting, and develop a method for sharing the information.
 - Develop a secure online system to reduce the burden on those responsible for reporting data.
 - Recognize that it takes time to develop a reliable and accurate reporting system. Build time for piloting and plan on revising the system on an ongoing basis.
- Sustain investment in capacity-building.
 - Train staff on specific strategies to collaborate and share information (e.g., case conferencing, standing meetings for discussing issues). Coordinate trainings between entities to help staff cement the process of working together.
 - Contract with effective providers to provide technical assistance to agencies that struggle with supporting individuals in integrated employment.

- Create a collaborative team to develop and implement training (including a strong group of self-advocates) to increase the relevancy of the training.
- Adapt existing resources and programs, rather than reinventing the wheel.
- Identify model providers in the state that consistently attain good employment outcomes and use peer-training opportunities.
- Study other states' efforts to increase integrated employment outcomes and keep stakeholders engaged.
- Implement goal-focused funding strategies that are consistent with larger system strategies.
 - Structure rates to align with the goals of the system with unambiguous definitions and service categories.
 - Tie rates and other funding decisions, such as who gets funding, towards the goals of the system. This sends an unequivocal message about the expectations of the funder.
 - Eliminate disincentives to achieving policy aims. For example, targeting providers who have not previously been engaged in community employment services must be coupled by a removal of disincentives for providing employment supports.
 - Use the collection and reporting of data to inform funding discussions.

These best practices, promising practices, and themes provide a framework for how California can increase the employment of individuals with developmental disabilities in integrated competitive employment. The remainder of this report addresses an employment first policy, specific strategies, goals, and steps to ensure that California has a plan, following best practices, which results in more individuals with developmental disabilities being employed in integrated competitive settings.

APPENDIX E

Goals and Strategies to Implement Employment First in California

The following goals and strategies for implementing Employment First represent an initial approach to identifying measureable activities that could be pursued; however, they should not be viewed as an absolute list. Because the process of implementing an Employment First policy and approach in California must be fluid to adjust to changes in the environment, these goals and strategies will continually be reviewed, measured and changed as deemed appropriate. Furthermore, there are some strategies that are simply not feasible in an era of reduced budgets and narrowing eligibility – such strategies should be viewed as long range, while there are others that lend themselves to immediate action.

In developing these goals and strategies, the Employment First Committee and interested parties strived for consistency with nationwide best practices and focused on increasing the number of individuals with developmental disabilities in integrated competitive employment. The strategies are grouped into categories that address education and transition, getting, keeping and supporting a job, employers and services that indirectly support employment.

One strategy that was identified as a core element of achieving integrated competitive employment is self-direction, or having control over what is needed and obtained to support movement toward individual employment goals. When addressing publically funded services and supports designed to prepare people for employment, self-directed services and supports enable individuals with developmental disabilities to select, hire, and manage their publically funded services. Individuals identify their goals and needs and select services and supports necessary to support those as part of their individual program plan process, they receive an individual budget to purchase the services and supports and manage their own providers. Through self-directed services, individuals with developmental disabilities can guide and control their futures, with appropriate assistance from families, regional centers, providers of services and friends. This provides

the freedom to plan and customize services, the authority to control and direct their budget, and the support needed to manage their services.⁹⁰

Toward addressing this overarching and cross-cutting issue, the Council recommends the following:

Goal 0: Self-directed services are available as an option to all individuals with developmental disabilities.⁹¹

- **Strategy 0-1:** Develop and support options for self-determination and individual choice budgeting to provide resources for individuals with developmental disabilities and their families to use in securing services and supports that best meet their needs.
 - The Council believes that people with disabilities and their families are best suited to identify and understand their unique needs and how best to address those needs.
 - At the time of this writing, Assembly Bill (AB) 1244 was introduced by Assemblymember Wesley Chesbro on February 18, 2012. AB 1244 creates the Self-Determination Program within the existing developmental services system to provide individuals with a single, capitated funding allocation they may use to purchase services that support goals identified in individual program plans (IPPs). This program can place greater flexibility in the hands of persons served by regional centers while at the same time potentially generating short and long term cost savings to the state. The State Council on Developmental Disabilities supports AB 1244.

With respect to the other priority areas identified by the committee, the Council recommends the following goals and strategies. Furthermore, the first two general areas are recommended by the Employment First Committee as prioritized for action.

⁹⁰ "Self-Directed Services, You Are in Charge", Department of Developmental Services (DDS), accessed June 25, 2012, at <http://www.dds.ca.gov/SDS/docs/SDSPamphletEnglish.pdf>

⁹¹ "Your Day, Your Way, SB 1270 Report on Expanding Opportunities and Choice in California's Day Program Services for Individuals with Developmental Disabilities", State Council on Developmental Disabilities (2007), p. 49

A. Education and Transition to Adult Life

Goal A1: Eliminate delays in finding jobs.

- **Strategy A1-1:** Clarify Title 17 to indicate a referral to the Department of Rehabilitation for supported employment can be made for students six months to one year prior to graduation.

Goal A2: Prepare students with developmental disabilities for work and create more opportunities for integrated competitive employment.

- **Strategy A2-1:** Develop mechanisms to allow school districts to purchase employment services, identified in the individual transition plan (ITP), directly from adult service providers.
- **Strategy A2-2:** Develop a regional center vendor category for short term programs to assist individuals to develop employment skills (e.g., Project SEARCH).
- **Strategy A2-3:** Discuss postsecondary educational options at individualized education program (IEP) meetings, during the transition process. If appropriate, include goals, objectives, and appropriate services and supports in the IEP.
- **Strategy A2-4:** Require the California Department of Education to encourage school districts to create mentoring programs to encourage and prepare students with developmental disabilities for integrated employment.
- **Strategy A2-5:** Publicize and promote the replication of successful postsecondary education programs whose outcomes prepare students for integrated competitive employment.⁹²
- **Strategy A2-6:** Pilot programs modeled upon Project SEARCH approach to employment development.

⁹² "Recommendations to Improve Access to Postsecondary Education for Students with Developmental Disabilities", Olivia Raynor, Michal Clark, and Jeff Ross, California Consortium on Postsecondary Education Options, 2007

- **Strategy A2-7:** Require the Department of Developmental Services to establish a new vendor category for the provision of services and supports in postsecondary education.⁹³
- **Strategy A2-8:** Add the following language to Welfare and Institutions code, Section 4501 "...developmental disabilities present social, *educational*, medical, economic, and legal problems of extreme importance."⁹⁴
- **Strategy A2-9:** Add the following definition for education in Welfare and Institutions code, Section 4512 "*Education means preschool, elementary, secondary, and postsecondary instruction and training.*"⁹⁵

Goal A3: Publicize successful transition programs.

- **Strategy A3-1:** Showcase successful school-to-work transition approaches.

Goal A4: Increase interagency collaboration and efficiently provide services and supports through the use of blended or braided funding.

- **Strategy A4-1:** Review current transition regulations to determine if they can be strengthened to ensure adequate collaboration among the Departments of Education, Employment Development, Rehabilitation, and Developmental Services, schools, regional centers, and service and support providers to promote, develop and support work experience, training, and on-the-job training for students with developmental disabilities.

⁹³ "Recommendations to Improve Access to Postsecondary Education for Students with Developmental Disabilities", Olivia Raynor, Michal Clark, and Jeff Ross, California Consortium on Postsecondary Education Options, 2007

⁹⁴ "Recommendations to Improve Access to Postsecondary Education for Students with Developmental Disabilities", Olivia Raynor, Michal Clark, and Jeff Ross, California Consortium on Postsecondary Education Options, 2007

⁹⁵ "Recommendations to Improve Access to Postsecondary Education for Students with Developmental Disabilities", Olivia Raynor, Michal Clark, and Jeff Ross, California Consortium on Postsecondary Education Options, 2007

- **Strategy A4-2:** The Department of Rehabilitation (DOR) in conjunction with the UCLA Tarjan Center is monitoring and evaluating the College to Career (C2C) grants. If successful, DOR shall pursue expansion of this model.
 - There are 5 such grants throughout the state that will be supporting 60 regional center service recipients in each area to attend community colleges. See page 29 for more information.
- **Strategy A4-3:** Regional occupational center (ROP) programs should be used in conjunction with school-to-work transition programs and the funding for both programs blended to ensure sufficient level of support.
- **Strategy A4-4:** Develop and support of a demonstration project between DOR, local educational agencies, and regional center service providers, using braided and blended funding toward increasing integrated competitive employment.⁹⁶
- **Strategy A4-5:** Support and promote access to postsecondary education by students with developmental disabilities through improved interagency collaboration.⁹⁷
- **Strategy A4-6:** Research postsecondary education models designed to increase the employability of individuals with disabilities and disseminate and replicate those as demonstration projects.⁹⁸
- **Strategy A4-7:** Develop methods to braid or blend funding for students with developmental disabilities by the Departments of Education, Rehabilitation, Developmental Services, and institutions of higher education to support postsecondary education.⁹⁹

⁹⁶ Institute for Community Integration, Research to Practice newsletter, Pg. 2

⁹⁷ "Recommendations to Improve Access to Postsecondary Education for Students with Developmental Disabilities", Olivia Raynor, Michal Clark, and Jeff Ross, California Consortium on Postsecondary Education Options, 2007

⁹⁸ "Recommendations to Improve Access to Postsecondary Education for Students with Developmental Disabilities", Olivia Raynor, Michal Clark, and Jeff Ross, California Consortium on Postsecondary Education Options, 2007

⁹⁹ "Recommendations to Improve Access to Postsecondary Education for Students with Developmental Disabilities", Olivia Raynor, Michal Clark, and Jeff Ross, California Consortium on Postsecondary Education Options, 2007

- **Strategy A4-8:** Include institutions of higher education, the California Community Colleges Chancellor's Office, California State University and University of California systems as entities for collaboration and partnership in the areas of education, transition, and employment.¹⁰⁰

Goal A5: Regional centers have the expertise needed to successfully transition students into postsecondary education and/or integrated competitive employment.

- Every regional center service coordinator should have employment training from experts to instruct them on the processes of transition and employment.
- **Strategy A5-1:** Require and fund a dedicated employment specialist at each regional center, to enhance the level of information about employment and related issues available to individuals with developmental disabilities, families, service coordinators and employers.
- **Strategy A5-2:** Ensure competency-based training regarding employment is provided to regional centers by the Department of Rehabilitation and/or other qualified entities.
 - Training should include discussion of options such as supported employment, microenterprises, and other integrated competitive employment options. Training should occur at least annually to be responsive to the labor market and new options and technology.
- **Strategy A5-3:** Ensure sufficient competency-based training regarding transition options is provided to regional centers by the Department of Education or other qualified entities.
 - Training must include the transitional process, postsecondary education, and the distinction between services provided under IDEA and postsecondary education. Training should occur at least annually

¹⁰⁰ "Recommendations to Improve Access to Postsecondary Education for Students with Developmental Disabilities", Olivia Raynor, Michal Clark, and Jeff Ross, California Consortium on Postsecondary Education Options, 2007

due to changes statutes, regulations, programs, services, and postsecondary options.¹⁰¹

- **Strategy A5-4:** Require the involvement of regional centers in the transition IEP process.
 - Ideally regional center service coordinators will introduce the idea of employment to students and their families at middle/junior high school to assist students set goals and receive service, supports and resources toward integrated competitive employment as a viable option.
- **Strategy A5-5:** Require that employment and postsecondary educational options be discussed and explored at every individual program plan (IPP) meeting for every individual with developmental disabilities over the age of 14 years. If the person eventually wishes to work, barriers to work must be identified, steps developed to eliminate or ameliorate the barriers, and a plan for achieving integrated competitive employment incorporated into the IPP.
- **Strategy A5-6:** Provide funding to each regional center to employ a designated benefits counselor to assist individuals with developmental disabilities and their families understand the desirability of employment even if benefits change, assist them to access benefits such as Social Security impairment related work expenses (IRWE) for transportation and other needs, etc.

Goal A6: Increase expectations regarding employment for individuals with developmental disabilities.

- **Strategy A6-1:** Educate parents/families and teachers about the options of employment through the use of examples and media materials.
- **Strategy A6-2:** Require the involvement of regional centers in the transition IEP process.

¹⁰¹ "Recommendations to Improve Access to Postsecondary Education for Students with Developmental Disabilities", Olivia Raynor, Michal Clark, and Jeff Ross, California Consortium on Postsecondary Education Options, 2007

- Regional center service coordinators will introduce the idea of employment to students and their families at middle/junior high school to assist students set goals and receive service, supports and resources toward integrated competitive employment as a viable option.

Goal A7: Employment is discussed at individual transition program (ITP) meetings.

- **Strategy A7-1:** Promote statutory language (federal and state) that requires the ITP team to address employment at each ITP meeting.
- **Strategy A7-2:** Require the involvement of Department of Rehabilitation in the IEP/transition planning process.

Goal A8: Make transition planning more accessible to students and their families.

- **Strategy A8-1:** Require the California Department of Education to develop and make available plain language, standardized processes and forms for transition planning. Development of plain language materials must include the participation of the end-users (students and families).

Goal A9: Leverage employment opportunities and trends.

- **Strategy A9-1:** Provide training to students in sectors experiencing job growth (e.g., green jobs).

B. Getting a Job

Goal B1: Support the desires and efforts to individuals with developmental disabilities to move from segregated employment settings and/or settings with subminimum wages to integrated competitive employment opportunities.

- Some individuals with developmental disabilities are nonverbal and primarily express their desires through behavior. In order to ensure individuals who are nonverbal do not remain in segregated settings and/or earn minimum wage, it is recommended that individuals who

are nonverbal have the opportunity to work in integrated competitive employment and their behavior evaluated to determine their desires.

- **Strategy B1-1:** Require sheltered employment settings to educate program participants about integrated competitive employment options and assist them to focus on skill development to obtain employment.
- **Strategy B1-2:** Require that integrated competitive work is discussed and explored at every individual program plan (IPP) meeting for every adult with a developmental disability working in nonintegrated employment or earning less than minimum wage. If the person eventually wishes to engage in integrated competitive work, barriers to integrated competitive work must be identified, steps developed to eliminate or ameliorate the barriers, and a plan for achieving integrated competitive employment incorporated into the IPP.

Goal B2: Supported employment providers have expertise and resources needed to support individuals with developmental disabilities to locate and obtain integrated competitive employment.

- While there are exemplary programs and professionals providing employment supports for individuals with developmental disabilities, there are many people in the field who do not have the skills needed to assist people to obtain and maintain employment.
- **Strategy B2-1:** Require the State Workforce Incentive Board to utilize a portion of their discretionary funds to develop and enhance the skills of community-based employment services (e.g. job development) to enhance their services and supports for individuals with developmental disabilities.
- **Strategy B2-2:** Revise the Departments of Developmental Services and Rehabilitation's rate structures for employment services to incentivize integrated competitive employment outcomes consistent with Employment First goals.
- **Strategy B2-3:** Develop a reimbursement mechanism that correlates to the actual costs to develop customized employment opportunities for individuals with complex needs.

- **Strategy B2-4:** DOR shall continue to seek additional funding sources to provide incentives in individual placement supported employment.
- **Strategy B2-5:** Investigate job coaching and job development rates in other states for the purpose of comparing California's service provider infrastructure and capacity.
- **Strategy B2-6:** Investigate how other states are providing services that result in employment and support individuals with developmental disabilities.

Goal B3: Sufficient supports are provided to assist people to locate and obtain employment.

- **Strategy B3-1:** In order to provide individuals needed support to obtain integrated competitive employment, allow day programs, on an individual, time limited-basis, to convert group day service rates to a 1 to 1 hourly service for an individual who is actively seeking integrated competitive employment so they can receive necessary supports at no additional costs to the service system.
- **Strategy B3-2:** Require the Employment Development Department (EDD) to provide training at county level (e.g., Workforce Investment Boards, One-Stop Career Centers, and Youth Training Centers) designed to encourage identification of employers/contractors to hire individuals with developmental disabilities as part of their contracts with EDD.
- **Strategy B3-3:** Analyze California and federal regulations to evaluate if recommendations should be made pertaining to the promotion of start-up companies and self-employment.
- **Strategy B3-4:** All employers should be encouraged, when developing or renovating their worksites, to use universal design to accommodate all employees, including those with disabilities.

Goal B4: Regional centers and the Department of Rehabilitation (DOR) promote and facilitate the integrated competitive employment of individuals with developmental disabilities.

- In general regional center service coordinators are not as experienced or well versed on the topic of employment as is Department of Rehabilitation yet are expected to address employment training and options.
- **Strategy B4-1:** Involve DOR counselors in coordinated individualized plan for employment (IPE) and individual program plan (IPP) planning processes as appropriate.
- **Strategy B4-2:** Request funding to add a dedicated position at each regional center for a qualified employment specialist to enhance the level of information about employment and related issues available to individuals with developmental disabilities, families, service coordinators and employers.
- **Strategy B4-3:** Require work to be discussed and explored at every individual program plan (IPP) meeting for every working aged adult with a developmental disability. If the person eventually wishes to work, barriers to work must be identified, steps developed to eliminate or ameliorate the barriers, and a plan for achieving integrated competitive employment incorporated into the IPP.
- **Strategy B4-4:** Ensure competency-based training regarding employment is provided to regional centers by the Department of Rehabilitation or other qualified entity.
 - Training should include discussion of options such as supported employment, microenterprises, and other integrated competitive employment options. Training should occur at least annually to be responsive to the labor market and new options and technology.
- **Strategy B4-5:** Require DOR, DDS, and regional centers, to collaborate at least annually to identify and provide necessary training for staff on information and strategies to implement the Employment First strategy.

- **Strategy B4-6:** Sponsor webinars to illustrate “best practice” information and materials with DOR, regional centers, schools, EDD, and DDS.
 - This information could be culled from existing resources such as the “Catch the Wave to Success” campaign found on the websites of San Diego community colleges. Also, look at what other states such as Oregon and Tennessee offer to see what can and should be replicated.

Goal B5: Support the desires and efforts of individuals with developmental disabilities to create their own businesses.

- **Strategy B5-1:** Vendor and purchase support services to assist people in their efforts to create microenterprises or self-employment.
- **Strategy B5-2:** Analyze existing regulations to identify if any create barriers to individuals with developmental disabilities being self-employed and eliminate any such barriers.

C. Keeping and Supporting a Job

Goal C1: Supported employment providers have the expertise and support required to support people.

- While there are exemplary programs and professionals providing employment supports for people with developmental disabilities, there are many people in the field who do not have the skills needed to assist people with developmental disabilities to obtain and maintain employment.
- **Strategy C1-1:** Professionalize community-based employment services (e.g. job coaching) by training staff to be more knowledgeable, and develop greater expertise by requiring the State Workforce Incentive Board to utilize a portion of their 15% discretionary funds to train/develop skills of staff who work in employment support for people with developmental disabilities.
- **Strategy C1-2:** DDS should establish, fund, and enforce a wage standard to ensure the recruitment and retention of skilled job coaches.

The process should include an analysis of requirements and wages paid in other states.

- In some instances, job coaches are being paid less than the people they support.

Goal C2: Assure individuals with developmental disabilities have supports required to allow them to travel to their jobs.

- **Strategy C2-1:** For individuals considering or in integrated competitive employment, require that their IPP identify transportation options/solutions to assure they can obtain and retain a particular job, including but not limited to, the provision of mobility training and payment for transportation provided by residential or day services when public transportation (including paratransit) is not an option and the individual makes insufficient wages to pay for their own specialized transportation.
- **Strategy C2-2:** Individuals with developmental disabilities who want jobs, and companies committed to hiring them, would benefit if additional resources were made available to help potential employees succeed in the workforce, including but not limited to, increased flexibility, access and funding for job coaches for long term supports, and mechanisms to use the employer's employees as job coaches.¹⁰²

Goal C3: Ensure people have the necessary supports required to keep their jobs.

- **Strategy C3-1:** Amend Welfare and Institutions Code Section 4692 to exempt, on an individual basis, services that support individuals in integrated competitive employment from reductions that impact their potential for success in their jobs.
 - Mandated program closure days impact the ability of people to work at their jobs when they receive supports from day services.

¹⁰² Testimony of J. Randolph Lewis, Senior Vice President of Supply Chain and Logistics, Walgreen Co., Deerfield, Illinois, on Employment of Individuals with Development Disabilities to United States Senate Committee on Health, Education, Labor and Pensions, Wednesday, March 2, 2011

- **Strategy C3-2:** Amend existing regulations that prohibit a resident from being unsupervised for a limited period of time in a licensed community care facility when that person is employed in integrated competitive employment.
- **Strategy C3-3:** Ensure individuals with developmental disabilities have access to appropriate technology to maximize skills and earnings and/or remove barriers to integrated competitive employment opportunities.
- **Strategy C3-4:** Raise the stabilization level from 20% to 40% for individuals who require a greater level of supported employment support to be stabilized on their integrated competitive employment.^{103, 104}

D. Employers

Goal D1: Educate employers regarding the business advantages and value added to their workforce in hiring individuals with developmental disabilities.

- Education, training, and informational activities should include, but not be limited to, the benefits of purchasing goods and services from small businesses (microenterprises) owned by individuals with developmental disabilities.
- **Strategy D1-1:** EDD and DOR should prioritize the use of existing resources to educate employers regarding the business advantages to including individuals with developmental disabilities in their workforce.
- **Strategy D1-2:** SCDD, in collaboration with the DDS Consumer Advisory Committee and the Governor's Committee on the Employment of People with Disabilities, should seek funding to produce a promotional

¹⁰³ Individuals with developmental disabilities in individual placement supported employment (see Glossary) are typically initially provided with full time job coaching support. This support is then faded out over time. When the person performs satisfactorily and does not require great support, they are considered to be "stabilized" on the job when the job coach provides support approximately 20% of the person's work schedule (to receive support such as to learn new tasks, complete time sheets, and so on). This strategy refers to the provision of a greater level of support to maintain one's job when such support is necessary.

¹⁰⁴ "Your Day, Your Way, SB 1270 Report on Expanding Opportunities and Choice in California's Day Program Services for Individuals with Developmental Disabilities", State Council on Developmental Disabilities (2007), p. 56

video for consumers to highlight the positive aspects of having a real job.

- **Strategy D1-3:** SCDD, in collaboration with EDD and DOR, should seek funding to produce a promotional video designed to educate employers about the merits and assets of employing individuals with developmental disabilities.
- **Strategy D1-4:** The Governor's Committee on the Employment of People with Disabilities, in collaboration with SCDD, DDS, DOR, EDD and the California Chamber of Commerce, should develop and implement an information campaign to inform employers of the benefits of employing individuals with disabilities (e.g., We Include).
- **Strategy D1-5:** Encourage employers to purchase goods and services from small businesses (microenterprises) owned by individuals with developmental disabilities.

Goal D2: Increase the number of individuals with developmental disabilities that are employed in integrated competitive jobs.

- **Strategy D2-1:** Require the Employment Development Department (EDD) to provide training at county level (e.g., Workforce Investment Boards, One-Stop Career Centers, and Youth Training Centers) designed to encourage identification of employers/contractors to hire individuals with developmental disabilities as part of the contract with EDD.
- **Strategy D2-2:** Require government contractors to ensure at least 0.5% of their workforce includes individuals with developmental disabilities.
 - Through approximations noted on page 25, DDS served (through the regional centers) 114,312 individuals with a developmental disability aged 18 to 61. The workforce participation rate for people without a disability is approximately 70%. Assuming such a participation rate for individuals with a developmental disability, one would expect approximately 80,000 individuals with a developmental disability in the California workforce. Dividing this number into the total number of people in the workforce (16,281,515) provides a rough approximation

for the percentage of individuals with developmental disabilities who should be in the workforce, which is 0.5%.

- The United States Department of Labor proposed regulations in December 2011 that would require federal contractors and subcontractors to set a hiring goal that 7% of their workforces are qualified individuals with disabilities. This proposal would strengthen the affirmative action requirements established in Section 503 of the Rehabilitation Act of 1973 (see page 26 for more information). At the time of this writing, the regulations have not yet been adopted nor withdrawn.
- **Strategy D2-3:** SCDD, in collaboration with the Governor's Committee on Employment of People with Disabilities, should develop a communication and recognition program for State's private sector vendors that hire individuals with developmental disabilities.
- **Strategy D2-4:** Individuals with developmental disabilities who want jobs, and companies committed to hiring them, would benefit if additional resources were made available to help potential employees succeed in the workforce, including but not limited to, increased flexibility, access and funding for job coaches for long term supports, and mechanisms to use the employer's employees as job coaches.¹⁰⁵
- **Strategy D2-5:** SCDD, in collaboration with EDD, DOR, DDS, CDE and others, should sponsor a bi-annual symposium for employers highlighting successful employment situations and having employers present "how to" tips to other employers.¹⁰⁶

Goal D3: Increase the number of individuals with developmental disabilities employed by the State of California.

- **Strategy D3-1:** SCDD in collaboration with the California Committee on Employment of People with Disabilities and other lead agencies should

¹⁰⁵ Testimony of J. Randolph Lewis, Senior Vice President of Supply Chain and Logistics, Walgreen Co., Deerfield, Illinois , on Employment of Individuals with Development Disabilities to United States Senate Committee on Health, Education, Labor and Pensions, Wednesday, March 2, 2011

¹⁰⁶ Testimony of J. Randolph Lewis, Senior Vice President of Supply Chain and Logistics, Walgreen Co., Deerfield, Illinois , on Employment of Individuals with Development Disabilities to United States Senate Committee on Health, Education, Labor and Pensions, Wednesday, March 2, 2011

jointly develop and coordinate efforts to fully include individuals with developmental disabilities in the implementation of the Governor's Executive Orders regarding the employment of people with disabilities (S-11-10, S-04-05, S-6-04, S-18-04).

- **Strategy D3-2:** Organized labor should develop and adopt a Statement of Principles that encourages greater participation of individuals with developmental disabilities within their membership.
- **Strategy D3-3:** The Governor will issue an executive order requiring state departments to ensure at least 0.5% of their workforce includes individuals with a developmental disability. Please see Strategy D2-2 for more information.
- **Strategy D3-4:** The California Committee on Employment of People with Disabilities should host "a roundtable discussion" with representatives of California's organized labor to develop strategies for the implementation of the Executive Orders, as specifically related to individuals with developmental disabilities.
- **Strategy D3-5:** The State Personnel Board (SPB) should revise the Limited Examination and Appointment Program (LEAP) and make it more effective for individuals with disabilities to be employed by state agencies.
- **Strategy D3-6:** State agencies should pilot a program modeled upon Project SEARCH.
- **Strategy D3-7:** SCDD, in collaboration with the California Committee on Employment of People with Disabilities, EDD, and DDS, should develop and disseminate information regarding the State's commitment to promoting the employment of individuals with developmental disabilities.
- **Strategy D3-8:** The Governor will issue an executive order that will encourage state departments to purchase goods and services from small businesses (microenterprises) owned by individuals with developmental disabilities.

E. Indirect Supports and Services that Support the Ability to Work

Goal E1: Individuals with disabilities understand the impact of work on their public benefits.

- **Strategy E1-1:** Provide funding to each regional center to employ a designated benefits counselor to assist individuals with developmental disabilities and their families understand the desirability of employment even if benefits change, assist them to access benefits such as Social Security impairment related work expenses (IRWE) for transportation and other needs, etc.
- **Strategy E1-2:** SCDD, DDS, DOR, CDE, and EDD should develop and conduct training for staff to improve their knowledge base and consistency when assisting people to understand the benefits of working and how wages affect public benefits.
- **Strategy E1-3:** SCDD, in collaboration with DDS, should develop consumer and family information (in plain and multiple languages and formats) that clearly explain how work impacts public benefits.
- **Strategy E1-4:** SCDD, in collaboration with consumer-directed self-advocacy groups, should develop materials to assist people to locate and use websites regarding how to access and use disability benefits websites.

Goal E2: Make public benefits more flexible to support working individuals with developmental disabilities.

- **Strategy E2-1:** Analyze and make recommendations, if appropriate, about increasing the wage cap on earnings for the Working Disabled program to increase access to the program for individuals.
- **Strategy E2-2:** In order to ensure individuals with developmental disabilities remain healthy so they can work, SCDD should advocate to permit Medicaid to pay private insurance premiums on either the individual market or within a group-based plan for working individuals with disabilities, so as to allow access to the private insurance market for

this population while reducing Medicaid's health care costs and maintaining access to long term services and supports.¹⁰⁷

- **Strategy E2-3:** SCDD should analyze and, if appropriate, advocate for the development of a new Social Security disability support program designed to replace SSI for eligible individuals with disabilities ages 14-28. Such a program should not be income-limited or require an individual to not work, but should provide benefits for the purpose of financing transition-related expenses, such as post-secondary education, employment support, assistive technology and other relevant expenses.¹⁰⁸

Again, some strategies lend themselves to immediate action, while others are long range in nature. It is expected that as the employment market, governmental funding, and other relevant factors change, strategies may move from the long term to the immediately actionable. Additionally, future Employment First reports will outline progress made on these strategies and revise them to reflect such changes.

¹⁰⁷ CPSD Response to Harkin Disability Employment Summit, Pg. 6, #3

¹⁰⁸ CPSD Response to Harkin Disability Employment Summit, Pg. 6, #1

APPENDIX F

AB 287

Assembly Bill No. 287

CHAPTER 231

An act to add Chapter 14 (commencing with Section 4868) to Division 4.5 of the Welfare and Institutions Code, relating to developmental services.

[Approved by Governor October 11, 2009. Filed with
Secretary of State October 11, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

AB 287, Beall. Persons with developmental disabilities: employment. Existing law, the Lanterman Developmental Disabilities Services Act, grants persons with developmental disabilities the right to receive services and supports to meet their needs. Existing law requires that the State Department of Developmental Services contract with private nonprofit corporations for the operation of regional centers to obtain services and supports for an individual with a developmental disability in accordance with his or her individual program plan (IPP).

Existing law establishes an independent State Council on Developmental Disabilities to, among other things, develop and implement the state plan required by the federal government.

This bill would encourage the individual program planning team to discuss school-to-work opportunities for consumers commencing at 14 years of age.

This bill would require the State Council on Developmental Disabilities to form a standing Employment First Committee, as specified, to implement an Employment First Policy by July 1, 2011, and annually thereafter, report to the Legislature and the Governor describing the committee's work and recommendations.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Working age people with disabilities are among the most unemployed and underemployed members of society.

(b) People with developmental disabilities are an important and largely untapped employment resource.

(c) Research demonstrates that wages and hours worked increase dramatically as individuals move from facility-based to integrated employment, and suggests that other benefits include expanded social relationships, heightened self-determination, and more typical job acquisition and job roles.

(d) Recent data indicate that, with 13 percent of working age individuals with developmental and intellectual disabilities in competitive or supported employment, California ranks 41st when compared with other states.

(e) Because the likelihood of individuals with developmental disabilities obtaining employment is greater if they move directly from school to work, education programs should prepare transition age students for employment in community settings.

(f) Increasing integrated and gainful employment opportunities for people with developmental disabilities requires collaboration and cooperation by state and local agencies, including, but not limited to, the State Department of Developmental Services and regional centers, the State Council on Developmental Disabilities, the Department of Rehabilitation, the State Department of Education and local school districts, and the Employment Development Department.

(g) The Legislature places a high priority on providing supported employment and other integrated employment opportunities for working-age adults with developmental disabilities.

(h) In developing the individual program plan pursuant to Section 4646.5 of the Welfare and Institutions Code, planning teams are encouraged to discuss school-to-work opportunities during individual program plan meetings beginning when a consumer reaches 14 years of age, and regional center representatives are encouraged to inform the consumer, parent, legal guardian, or conservator that the regional center is available, upon request, to participate in the consumer's individualized education plan meetings to discuss transition planning.

SEC. 2. Chapter 14 (commencing with Section 4868) is added to Division 4.5 of the Welfare and Institutions Code, to read:

CHAPTER 14. EMPLOYMENT

4868. (a) The State Council on Developmental Disabilities shall form a standing Employment First Committee consisting of the following members:

(1) One designee of each of the members of the state council specified in subparagraphs (B), (C), (D), (F), and (H) of paragraph (2) of subdivision (b) of Section 4521.

(2) A member of the consumer advisory committee of the state council.

(b) In carrying out the requirements of this section, the committee shall meet and consult, as appropriate, with other state and local agencies and organizations, including, but not limited to, the Employment Development Department, the Association of Regional Center Agencies, one or more supported employment provider organizations, an organized labor organization representing service coordination staff, and one or more consumer family member organizations.

(c) The responsibilities of the committee shall include, but need not be limited to, all of the following:

(1) Identifying the respective roles and responsibilities of state and local agencies in enhancing integrated and gainful employment opportunities for people with developmental disabilities.

(2) Identifying strategies, best practices, and incentives for increasing integrated employment and gainful employment opportunities for people with developmental disabilities, including, but not limited to, ways to improve the transition planning process for students 14 years of age or older, and to develop partnerships with, and increase participation by, public and private employers and job developers.

(3) Identifying existing sources of employment data and recommending goals for, and approaches to measuring progress in, increasing integrated employment and gainful employment of people with developmental disabilities.

(4) Recommending legislative, regulatory, and policy changes for increasing the number of individuals with developmental disabilities in integrated employment, self-employment, and microenterprises, and who earn wages at or above minimum wage, including, but not limited to, recommendations for improving transition planning and services for students with developmental disabilities who are 14 years of age or older. This shall include, but shall not be limited to, the development of an Employment First Policy, the intended outcome of which is a significant increase in the number of individuals with developmental disabilities who engage in integrated employment, self-employment, and microenterprises, and in the number of individuals who earn wages at or above minimum wage. This proposed policy shall be in furtherance of the intent of this division that services and supports be available to enable persons with developmental disabilities to approximate the pattern of everyday living available to people without disabilities of the same age and that support their integration into the mainstream life of the community, and that those services and supports result in more independent, productive, and normal lives for the persons served. The proposed Employment First Policy shall not limit service and support options otherwise available to consumers, or the rights of consumers, or, where appropriate, parents, legal guardians, or conservators to make choices in their own lives.

(d) For purposes of this chapter, "integrated employment" shall have the same definition as "integrated work" as defined in subdivision (o) of Section 4851.

(e) The committee, by July 1, 2011, and annually thereafter, shall provide a report to the appropriate policy committees of the Legislature and to the Governor describing its work and recommendations. The report due by July 1, 2011, shall include the proposed Employment First Policy described in paragraph (4) of subdivision (c).

APPENDIX G
Assembly Bill 2338

INCLUDE TEXT OF AB 2338

APPENDIX H

Bureau of Labor Statistics' Current Population Survey (CPS)

How are people with disabilities identified in the CPS?

The CPS uses a set of six questions to identify persons with disabilities. A response of "yes" to any one of the questions indicates that the person in question has a disability. The disability questions appear in the CPS in the following format:

This month we want to learn about people who have physical, mental, or emotional conditions that cause serious difficulty with their daily activities. Please answer for household members who are 15 years old or over.

Is anyone deaf or does anyone have serious difficulty hearing?

Is anyone blind or does anyone have serious difficulty seeing even when wearing glasses?

Because of a physical, mental, or emotional condition, does anyone have serious difficulty concentrating, remembering, or making decisions?

Does anyone have serious difficulty walking or climbing stairs?

Does anyone have difficulty dressing or bathing?

Because of a physical, mental, or emotional condition, does anyone have difficulty doing errands alone such as visiting a doctor's office or shopping?

Labor force measures from the CPS are tabulated for persons age 16 and older.

Does each of the questions identify a group with a specific disability?

The set of six questions was added to the CPS in order to satisfy the requirement specified in Executive Order 13078 to measure the employment status of persons with disabilities in aggregate on a timely basis. The Executive Order did not require the identification or

measurement of specific disabilities. Extensive research conducted as part of the effort to include disability questions in the CPS demonstrated that it is very difficult to accurately measure all persons with disabilities using only a few questions. In like manner, research has also shown that it would be difficult to accurately identify persons with a specific type of disability using only one question. For example, questions tested during the research process that were designed to elicit positive responses from persons with one type of disability were equally likely to identify persons with other disabilities as well. (Cognitive reports that show such results are available from the BLS upon request, and from the Census Bureau's 2006 ACS Content Test Report Series, report p. 4 ([PDF](#)).) Given this research and the relatively small sample size of the CPS, data users are advised to avoid using the CPS for the purpose of identifying persons with specific disabilities.

Do the CPS data measure the total size of the disability population?

The CPS will not provide a measure of the total size of the disability population. The CPS estimates are limited to the civilian noninstitutional population 16 years and older. Thus, it does not include persons who live in institutions – such as prisons, long-term care hospitals, and nursing homes – or those who are on active duty in the Armed Forces. Health-focused surveys typically use dozens of questions to identify all persons with disabilities. It is likely that the relatively small number of disability-related questions in the CPS could fail to identify some people with disabilities.

APPENDIX I

Placeholder for DOR data

Insert a key for Code 26 (successful case closure) and Code 28 (unsuccessful case closure)

APPENDIX J

Employment First Committee Members

Tony Anderson
The Arc of California

Olivia Raynor, Chairperson
Tarjan Center, UCLA University
Center for Excellence in
Developmental Disabilities

Daniel Boomer
Special Education Division,
California Department of
Education

Connie Lapin
California Autism Society

Rachel Chen
Family Advocate

Bill Moore
Department of Rehabilitation

Lisa Cooley
Self Advocate

Andy Mudryk
Disability Rights California

Denyse Curtwright
Department of Developmental
Services

People First of California

Dale Dutton
D3 Associates

Dennis Petrie
Employment Development
Department

Eric Gelber
Legislature, Assembly Human
Services Committee

Mark Polit
Service Employees International
Union

Robin L. Hansen
UC Davis/M.I.N.D. Institute
University Center for Excellence
in Developmental Disabilities

Eileen Richey
Association of Regional Center
Agencies

Debbie Sarmento
Family Resource Center Network
of California

Kecia Weller
Self-Advocate

Rachel Stewart
California Health Incentives
Improvement Project

Barbara Wheeler
USC University Center for
Excellence in Developmental
Disabilities

Robert Taylor
Self-Advocate

Cindy White, Self-Advocate
DDS Consumer Advisory
Committee

APPENDIX K

Abbreviations

ARCA: Association of Regional Center Agencies

CDE: California Department of Education

DDS: Department of Developmental Services

DOR: Department of Rehabilitation

EDD: Employment Development Department

EFC: Employment First Committee

IPE: Individualized Employment Plan

LEA: Local Educational Agency

SCDD: State Council on Developmental Disabilities

UCEDD: University Center for Excellence in Developmental Disabilities

VR/WAP: Vocational Rehabilitation/Work Adjustment Program

WAP: Work Adjustment Program

APPENDIX L

Glossary

Competitive Employment

Competitive employment is work in the labor market that is performed on a full-time or part-time basis in an integrated setting for which the individual is compensated at or above minimum wage with related health and employment benefits, but not less than the customary and usual wage paid by an employer for the same or similar work performed by individuals who are not disabled.¹⁰⁹ The individual has the opportunity for advancement and mobility.

Employment

Employment is an activity performed by an individual where there is an expectation of wages for services rendered and the services are for the primary benefit of the employer.¹¹⁰ Alternatively, employment may refer to any income generating activity.

Enclaves

See Supported Employment, Group Placement

Integrated Employment¹¹¹

Integrated employment is employment that occurs in a typical work setting where the employee with a disability interacts or has the opportunity to interact continuously with co-workers who may or may not have a disability.

Integrated Competitive Employment¹¹²

¹⁰⁹ Segregated and Exploited, National Disability Rights Network, 2011, retrieved from <http://ndrn.org/en/resources/publications.html> on February 8, 2011

¹¹⁰ Segregated and Exploited, National Disability Rights Network, 2011, retrieved from <http://ndrn.org/en/resources/publications.html> on February 8, 2011

¹¹¹ From CPSD Response to Harkin Disability Employment Summit, October 2010

¹¹² From CPSD Response to Harkin Disability Employment Summit, October 2010

Integrated competitive employment is work compensated at prevailing wages with related health and employment benefits, occurring in a typical work setting where the employee with the disability interacts or has the opportunity to interact continuously with co-workers who may or may not have a disability, and has an opportunity for advancement and mobility. Further, integrated competitive employment includes all income generation activities such as owning one's own business.

Individual Plan for Employment

An Individual Plan for Employment (IPE) is developed and implemented based upon services identified in the plan and provided and/or funded by the Department of Rehabilitation (DOR).

Local Educational Agency

Local educational agency (LEA) means a school district, a county office of education, a nonprofit charter school participating as a member of a local special education local plan area.¹¹³

Microenterprises

For the purpose of this report, microenterprises are small businesses owned by individuals with developmental disabilities, with accompanying business licenses, tax-payer identification numbers other than social security numbers, and separate business bank accounts. Microenterprises may be considered competitive employment, integrated employment, and integrated competitive employment.

One-Stop Centers

One-Stop Job Centers are government funded job centers that assist workers to locate jobs and help employers find workers. California has over 220 One Stop Job Centers, with at least one in every county.

Project SEARCH

¹¹³ California Education Code Section 56026.3

Project SEARCH creates partnerships between numerous sectors: businesses, education, vocational rehabilitation, and providers. This results in integrated jobs where people with developmental disabilities earn prevailing wages working 20 hours per week or more. The process is business-led, whereby businesses participate without subsidy to fill their high turnover positions, resulting in increased retention and productivity. For more information, please visit <http://www.projectsearch.us/>.

Self-Determination/Self-Directed Services

Self-determination is a service model whereby an individual with a developmental disability works within a budget to select, hire, and manage their services providers, which may or may not include a support broker (a person hired to help the individual with a developmental disability to plan, find, and direct services and supports) or a financial management service (to help manage the budget and employer duties). For more information, please visit <http://www.dds.ca.gov/SDS/Index.cfm>.

Sheltered Work Settings/Sheltered Workshops

Sheltered work settings are also known as sheltered workshops, affirmative industries, training facilities, and rehabilitation centers. These facilities generally offer a segregated work setting where individuals with developmental disabilities typically earn subminimum wage engaged in unskilled manual labor.

Subminimum Wage

Section 14(c) of the Fair Labor Standards Act allows employers to pay individuals less than the minimum wage if they have a physical or mental disability that impairs their earning or productive capacity.¹¹⁴

Supported Employment

Supported employment provides paid work opportunities in the community using group or individual placements. The services are aimed at finding

¹¹⁴ Segregated and Exploited, National Disability Rights Network, 2011, retrieved from <http://ndrn.org/en/resources/publications.html> on February 8, 2011

competitive work in a community integrated work setting for persons with disabilities who need ongoing supports to learn and perform work.

Supported Employment, Group Placement

Group placements consist of training and supervision of an individual while engaged in work as part of a group in an integrated community setting. The ratio of supervision for work crews is set at a minimum of 1:4 and up to 1:8. Individuals on work crews are provided guidance and supervision throughout the course of the work day.

Supported Employment, Individual Placement

Individual placements consist of job placement in community business settings. A job coach meets regularly with the individual to provide training and supervision to help him or her maintain the necessary skills and behaviors to work independently. As the individual gains mastery of the job, the job coaching time and support services are gradually reduced and/or phased out.






VR/WAP

Vocational Rehabilitation/Work Activity Programs (VR/WAP) are DOR-funded services available to individuals with developmental disabilities who are in work activity programs. The program objective of VR/WAP is to prepare individuals with developmental disabilities to become employed in the community. The individuals served in this program have expressed a desire for community employment and require assistance to overcome barriers that are preventing them from pursuing that objective. A component of this program may include Personal Vocational Social Adjustment (PVSA) services for those who require them.

Work Activity Programs

Work activity programs (WAP) provide sheltered employment training for individuals who are not prepared for or who may not desire competitive employment in an integrated community work setting. A WAP serves only individuals served by regional centers and is not time limited. An individual with developmental disabilities is generally referred to sheltered

employment when there is no immediate goal for supported employment. Individuals with developmental disabilities in WAP must be able to work at 10% productivity or better.

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About APSE

APSE is the *only* national organization with an *exclusive focus* on integrated employment and career advancement opportunities for individuals with disabilities. APSE is a growing national non-profit membership organization, founded in 1988 now known as Association of Persons Supporting Employment 1st (APSE).

APSE has chapters in 35 states and the District of Columbia. Our members come from all 50 states and Puerto Rico, as well as several foreign countries.

APSE's HR Connect offers consultation services to help businesses reach out to and partner with one of the strongest labor and customer pools in the country: the disability community.

APSE supports the *only* annual national conference focused solely on the advancement of integrated employment.

Our Name

The official name of the organization has gone through several changes since its inception more than 25 years ago. It was first called the Association for Persons in Supported Employment. In the 90's, the name was changed to APSE: The Network on Employment. In 2008, the name changed again to APSE. In 2012, the APSE Board of Directors changed APSE's acronym definition to Association of Persons Supporting Employment 1st.

Our Goals:

- Promote employment opportunities for all people, through local, regional, and national networks.
- Help establish and expand equitable employment opportunities for individuals with disabilities.
- Advocate with federal, state, and local legislators for legislation promoting integrated employment.
- Work with federal, state, and local policy makers to increase funding for integrated employment.
- Raise awareness within the business community as to the benefits of hiring individuals with disabilities.
- Advocate for social change to help those with severe disabilities achieve a lifestyle that approximates that of individuals without disabilities.

Who should Join?

Membership is open to anyone who wants to be a part of a grassroots network committed to ensuring that integrated employment continues to grow and improve.

"Membership in APSE is a must for anyone interested in ensuring that persons with disabilities get real work with real pay. APSE provides evidence-based employment research, cutting-edge training conferences, and a place where advocates from all walks of life can get together to discuss employment issues." Paul Wehman, Ph.D., Professor of Physical Medicine,

AMENDED IN SENATE JULY 5, 2012

AMENDED IN ASSEMBLY MAY 17, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2338

Introduced by Assembly Members Chesbro and Beall

February 24, 2012

An act to amend Sections 4646.5 and 4868 of, and to add Section 4869 to, the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2338, as amended, Chesbro. Developmental services: Employment First Policy.

The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide support and services to individuals with developmental disabilities. The services and supports to be provided to a regional center consumer are contained in an individual program plan (IPP), developed in accordance with prescribed requirements.

Existing law requires the State Council on Developmental Disabilities to, among other responsibilities, form a standing Employment First Committee to identify strategies and recommend legislative, regulatory, and policy changes to increase integrated employment, as defined, self-employment, and microenterprises for persons with developmental disabilities, as specified.

This bill would define competitive employment, microenterprises, and self-employment for these purposes. This bill would require each regional center planning team, when developing an individual program

plan for a transition age youth or working age adult, to consider a specified Employment First Policy. The bill would also require regional centers to ensure that consumers, beginning at 16 years of age, and, where appropriate, other specified persons, are provided with information about the Employment First Policy, about options for integrated competitive employment, and about services and supports, including postsecondary education, available to enable the consumer to transition from school to work, and to achieve the outcomes of obtaining and maintaining integrated competitive employment. The bill would authorize the department to request information from regional centers on current and planned activities related to the Employment First Policy.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4646.5 of the Welfare and Institutions
2 Code is amended to read:

3 4646.5. (a) The planning process for the individual program
4 plan described in Section 4646 shall include all of the following:

5 (1) Gathering information and conducting assessments to
6 determine the life goals, capabilities and strengths, preferences,
7 barriers, and concerns or problems of the person with
8 developmental disabilities. For children with developmental
9 disabilities, this process should include a review of the strengths,
10 preferences, and needs of the child and the family unit as a whole.
11 Assessments shall be conducted by qualified individuals and
12 performed in natural environments whenever possible. Information
13 shall be taken from the consumer, his or her parents and other
14 family members, his or her friends, advocates, authorized
15 representative, if applicable, providers of services and supports,
16 and other agencies. The assessment process shall reflect awareness
17 of, and sensitivity to, the lifestyle and cultural background of the
18 consumer and the family.

19 (2) A statement of goals, based on the needs, preferences, and
20 life choices of the individual with developmental disabilities, and
21 a statement of specific, time-limited objectives for implementing
22 the person's goals and addressing his or her needs. These objectives
23 shall be stated in terms that allow measurement of progress or

1 monitoring of service delivery. These goals and objectives should
2 maximize opportunities for the consumer to develop relationships,
3 be part of community life in the areas of community participation,
4 housing, work, school, and leisure, increase control over his or her
5 life, acquire increasingly positive roles in community life, and
6 develop competencies to help accomplish these goals.

7 (3) When developing individual program plans for children,
8 regional centers shall be guided by the principles, process, and
9 services and support parameters set forth in Section 4685.

10 (4) When developing an individual program plan for a transition
11 age youth or working age adult, the planning team shall consider
12 the Employment First Policy described in Chapter 14 (commencing
13 with Section 4868).

14 (5) A schedule of the type and amount of services and supports
15 to be purchased by the regional center or obtained from generic
16 agencies or other resources in order to achieve the individual
17 program plan goals and objectives, and identification of the
18 provider or providers of service responsible for attaining each
19 objective, including, but not limited to, vendors, contracted
20 providers, generic service agencies, and natural supports. The
21 individual program plan shall specify the approximate scheduled
22 start date for services and supports and shall contain timelines for
23 actions necessary to begin services and supports, including generic
24 services.

25 (6) When agreed to by the consumer, the parents, legally
26 appointed guardian, or authorized representative of a minor
27 consumer, or the legally appointed conservator of an adult
28 consumer or the authorized representative, including those
29 appointed pursuant to subdivision (d) of Section 4548, subdivision
30 (b) of Section 4701.6, and subdivision (e) of Section 4705, a review
31 of the general health status of the adult or child including a medical,
32 dental, and mental health needs shall be conducted. This review
33 shall include a discussion of current medications, any observed
34 side effects, and the date of the last review of the medication.
35 Service providers shall cooperate with the planning team to provide
36 any information necessary to complete the health status review. If
37 any concerns are noted during the review, referrals shall be made
38 to regional center clinicians or to the consumer's physician, as
39 appropriate. Documentation of health status and referrals shall be
40 made in the consumer's record by the service coordinator.

1 (7) (A) The development of a transportation access plan for a
2 consumer when all of the following conditions are met:

3 (i) The regional center is purchasing private, specialized
4 transportation services or services from a residential, day, or other
5 provider, excluding vouchered service providers, to transport the
6 consumer to and from day or work services.

7 (ii) The planning team has determined that a consumer's
8 community integration and participation could be safe and
9 enhanced through the use of public transportation services.

10 (iii) The planning team has determined that generic
11 transportation services are available and accessible.

12 (B) To maximize independence and community integration and
13 participation, the transportation access plan shall identify the
14 services and supports necessary to assist the consumer in accessing
15 public transportation and shall comply with Section 4648.35. These
16 services and supports may include, but are not limited to, mobility
17 training services and the use of transportation aides. Regional
18 centers are encouraged to coordinate with local public
19 transportation agencies.

20 (8) A schedule of regular periodic review and reevaluation to
21 ascertain that planned services have been provided, that objectives
22 have been fulfilled within the times specified, and that consumers
23 and families are satisfied with the individual program plan and its
24 implementation.

25 (b) For all active cases, individual program plans shall be
26 reviewed and modified by the planning team, through the process
27 described in Section 4646, as necessary, in response to the person's
28 achievement or changing needs, and no less often than once every
29 three years. If the consumer or, where appropriate, the consumer's
30 parents, legal guardian, authorized representative, or conservator
31 requests an individual program plan review, the individual program
32 shall be reviewed within 30 days after the request is submitted.

33 (c) (1) The department, with the participation of representatives
34 of a statewide consumer organization, the Association of Regional
35 Center Agencies, an organized labor organization representing
36 service coordination staff, and the Organization of Area Boards
37 shall prepare training material and a standard format and
38 instructions for the preparation of individual program plans, which
39 embodies an approach centered on the person and family.

1 (2) Each regional center shall use the training materials and
2 format prepared by the department pursuant to paragraph (1).

3 (3) The department shall biennially review a random sample of
4 individual program plans at each regional center to ensure that
5 these plans are being developed and modified in compliance with
6 Section 4646 and this section.

7 SEC. 2. Section 4868 of the Welfare and Institutions Code is
8 amended to read:

9 4868. (a) The State Council on Developmental Disabilities
10 shall form a standing Employment First Committee consisting of
11 the following members:

12 (1) One designee of each of the members of the state council
13 specified in subparagraphs (B), (C), (D), (F), and (H) of paragraph
14 (2) of subdivision (b) of Section 4521.

15 (2) A member of the consumer advisory committee of the state
16 council.

17 (b) In carrying out the requirements of this section, the
18 committee shall meet and consult, as appropriate, with other state
19 and local agencies and organizations, including, but not limited
20 to, the Employment Development Department, the Association of
21 Regional Center Agencies, one or more supported employment
22 provider organizations, an organized labor organization
23 representing service coordination staff, and one or more consumer
24 family member organizations.

25 (c) The responsibilities of the committee shall include, but need
26 not be limited to, all of the following:

27 (1) Identifying the respective roles and responsibilities of state
28 and local agencies in enhancing integrated and gainful employment
29 opportunities for people with developmental disabilities.

30 (2) Identifying strategies, best practices, and incentives for
31 increasing integrated employment and gainful employment
32 opportunities for people with developmental disabilities, including,
33 but not limited to, ways to improve the transition planning process
34 for students 14 years of age or older, and to develop partnerships
35 with, and increase participation by, public and private employers
36 and job developers.

37 (3) Identifying existing sources of employment data and
38 recommending goals for, and approaches to measuring progress
39 in, increasing integrated employment and gainful employment of
40 people with developmental disabilities.

(4) Recommending legislative, regulatory, and policy changes for increasing the number of individuals with developmental disabilities in integrated employment, self-employment, and microenterprises, and who earn wages at or above minimum wage, including, but not limited to, recommendations for improving transition planning and services for students with developmental disabilities who are 14 years of age or older. This shall include, but shall not be limited to, the development of a policy with the intended outcome of significantly increasing the number of individuals with developmental disabilities who engage in integrated employment, self-employment, and microenterprises, and in the number of individuals who earn wages at or above minimum wage. This proposed policy shall be in furtherance of the intent of this division that services and supports be available to enable persons with developmental disabilities to approximate the pattern of everyday living available to people without disabilities of the same age and that support their integration into the mainstream life of the community, and that those services and supports result in more independent, productive, and normal lives for the persons served. The proposed policy shall not limit service and support options otherwise available to consumers, or the rights of consumers, or, where appropriate, parents, legal guardians, or conservators to make choices in their own lives.

(d) For purposes of this chapter, the following definitions shall apply:

(1) "Competitive employment" means work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting and for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.

(2) "Integrated employment" means "integrated work" as defined in subdivision (o) of Section 4851.

(3) "Microenterprises" means small businesses owned by individuals with developmental disabilities who have control and responsibility for decisionmaking and overseeing of the business, with accompanying business licenses, taxpayer identification numbers other than social security numbers, and separate business bank accounts. Microenterprises may be considered integrated competitive employment.

1 (4) "Self-employment" means an employment setting in which
2 an individual works in a chosen occupation, for profit or fee, in
3 his or her own small business, with control and responsibility for
4 decisions affecting the conduct of the business.

5 (e) The committee, by July 1, 2011, and annually thereafter,
6 shall provide a report to the appropriate policy committees of the
7 Legislature and to the Governor describing its work and
8 recommendations. The report due by July 1, 2011, shall include
9 the proposed policy described in paragraph (4) of subdivision (c).

10 SEC. 3. Section 4869 is added to the Welfare and Institutions
11 Code, to read:

12 4869. (a) (1) In furtherance of the intent of this division to
13 make services and supports available to enable persons with
14 developmental disabilities to approximate the pattern of everyday
15 living available to people without disabilities of the same age, to
16 support the integration of persons with developmental disabilities
17 into the mainstream life of the community, and to bring about more
18 independent, productive, and normal lives for the persons served,
19 it is the policy of the state that opportunities for integrated,
20 competitive employment shall be given the highest priority for
21 working age individuals with development disabilities, regardless
22 of the severity of their disabilities. This policy shall be known as
23 the Employment First Policy.

24 (2) Implementation of the policy shall be consistent with, and
25 shall not infringe upon, the rights established pursuant to this
26 division, including the right of people with developmental
27 disabilities to make informed choices with respect to services and
28 supports through the individual program planning process.

29 (3) Integrated competitive employment is intended to be the
30 first option considered by planning teams for working age
31 individuals, but individuals may choose goals other than integrated
32 competitive employment.

33 (4) This chapter shall not be construed to expand the existing
34 entitlement to services for persons with developmental disabilities
35 described in this division.

36 (5) *This chapter shall not alleviate schools of their responsibility*
37 *to provide transition services to individuals with developmental*
38 *disabilities.*

39 (b) Regional centers shall ensure that consumers, beginning at
40 16 years of age, and, where appropriate, their parents, legal

1 guardians, or conservators, are provided with information, in a
2 language that the consumer and, as appropriate, the consumer's
3 representative understand, about the Employment First Policy,
4 about options for integrated competitive employment, and about
5 services and supports, including postsecondary education, available
6 to enable the consumer to transition from school to work, and to
7 achieve the outcomes of obtaining and maintaining integrated
8 competitive employment.
9 (c) The department may request information from regional
10 centers on current and planned activities related to the Employment
11 First Policy.

O



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STATE OF CALIFORNIA

Samuel G. Brown Jr.
Governor

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Community Program Development Grant

Request for Proposal Application and Instructions Federal Fiscal Year 2013 Cycle 35

**Proposal Deadline
5:00p.m. Friday, July 27, 2012
No faxes or emails will be accepted**

**The application packet is available at:
www.scdd.ca.gov**

**Please call Kristie Allensworth with any questions regarding the application or grant process:
(916) 322-8481
Kristie.allensworth@scdd.ca.gov**

State Council on Developmental Disabilities -RFP CPDG Cycle 35 2013

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State Council on Developmental Disabilities -RFP CPDG Cycle 35 2013

A. PURPOSE AND DESCRIPTION OF SERVICES

1) Purpose

The purpose of this Request for Proposal (RFP) is to seek qualified proposers to develop innovative transition models to increase the numbers of youth and young adults with developmental disabilities, ages 14-30 in integrated competitive employment. and/or postsecondary educational opportunities leading to career advancement. The State Council on Developmental Disabilities (SCDD) is soliciting proposals that meet all of the criteria set forth in this, RFP.

2) Background

State Councils on Developmental Disabilities are funded by the Administration on Developmental Disabilities (ADD) under federal law 42 USC 15021 SEC. 121 to "engage in advocacy, capacity building, and systemic change activities that contribute to a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system of community services, individualized supports, and other forms of assistance that enable individuals with developmental disabilities to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life."

State Councils on Developmental Disabilities (SCDD) are required to develop 5 year State Plans which identify goals and objectives to enhance and improve upon the quality of life enjoyed by individuals with developmental disabilities. This RFP is intended to fund projects that advance the Council's State Plan goals, as cited below:

California's 2012-2016 State Plan includes the following Goal #9:

"Working age adults with developmental disabilities have the necessary information, tools and supports to succeed in inclusive and gainful work opportunities."

Further, SCDD convenes the Employment First Committee (EFC), established under Chapter 231 ,Statutes of 2009, and charged with developing a recommended employment first policy, identifying best practices and strategies for gainful employment, identifying existing sources of employment data, and recommending legislative, regulatory, and policy changes for increasing the number of individuals in integrated competitive employment, self employment and microenterprises who earn wages at minimum wage or above, and make recommendations for improving transition practices.

SCDD is also a member agency in the California Consortium on the Employment of Youth and Young Adults with Intellectual Disabilities/Developmental Disabilities (CECY),-a Project of National Significance Partnerships in Employment Grant. CECY is a statewide collaboration of state agencies, associations and committees in rehabilitation, developmental services, education, employment whose mission is to build capacity in California state systems and local communities to increase the number of youth and young adults with intellectual and other developmental disabilities in integrated competitive employment.

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Few youth (14%) with developmental disabilities in California today achieve employment following high school, as the vast majority transition to day programs or other non-work activities. Through the design and implementation of this 2013 grant cycle, we are seeking proposals that will address barriers and assist youth to achieve integrated competitive employment in careers of their choice.

3) Description of Services Sought

a) Project Priorities

- New or expanded innovative transition models that result in increased numbers of youth in integrated competitive employment.
- New or expanded innovative transition models that result in increased numbers of youth in postsecondary educational opportunities to facilitate career development leading to integrated competitive employment.

Within each priority above, the project shall incorporate the provision of information and training for youth and families that set expectations at an early stage of life for future integrated competitive employment and increase the number of families successfully supporting transition to postsecondary education and/or integrated competitive employment. This information should include a component illustrating the responsible agencies and assistance available during different stages of a consumer's lifetime.

b) Guiding Principles for Projects

Proposals must address how the following principles will be met by the project:

- Involve individuals with developmental disabilities and families in the development of the project.
- To the extent feasible, employ individuals with developmental disabilities in the implementation of the project.
- Illustrate how the project will reach typically underrepresented populations and specifically involve individuals from diverse cultures in the development and implementation of the project..
- Illustrate how the project will collaborate with existing agencies, organizations and initiatives that are currently focused on achieving integrated competitive employment of people with developmental disabilities.
- Include a specific focus on youth who will have significant support needs when they transition to integrated competitive employment.

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c) Duration of Project

Grants awarded under this RFP Cycle 35 are for one year (October 1, 2012-September 30, 2013) or may be submitted for a two year period, ending September 30, 2014. If the proposal assumes funding for a second year, this must be clearly stated and there must be independent outcomes identified for each year of funding. The Council will evaluate the expenditure of funds and programmatic progress annually. Funding for the second year is subject to the availability of funds and the Council's evaluation of first year progress and outcomes.

d) Definitions (for the purposes of the RFP)

Competitive employment means work in the competitive labor market that is performed on a full time or part time basis in an integrated setting and for which an individual is compensated at or above minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities. Competitive employment includes self-employment and microenterprises.

"Integrated work" means the engagement of an employee with a disability in work in a setting typically found in the community in which individuals interact with individuals without disabilities other than those who are providing services to those individuals, to the same extent that individuals without disabilities in comparable positions interact with other persons.

"Youth/Targeted Population" means individuals with developmental disabilities between the ages 14 and 30.

"Developmental disability" means

- 1) a severe, chronic disability of an individual that is attributable to a mental or physical impairment or combination of mental and physical impairments;
- 2) manifested before the individual attains age 22;
- 3) is likely to continue indefinitely; (4) results in Substantial limitations in three or more of the following functional areas: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and capacity for economic self-sufficiency;
- 4) reflects the individual's need for a combination and sequence of special, interdisciplinary or generic services, individualized supports, or other forms of assistance that are lifelong and extended duration and are individually planned and coordinated.

B. MINIMUM QUALIFICATIONS FOR PROPOSERS

Each proposer shall demonstrate substantial experience in delivering transition-related services to youth and/or adults with developmental disabilities. Proposers shall provide information regarding the qualifications of the proposer and all staff and/or consultants who will contribute to the project. The proposal shall include:

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• Main menu

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This year's conference theme centers around collaboration and
working together towards a positive future.

New Day 2012 will provide a forum for sharing knowledge and
expertise on the promising practices and innovations that make employment and housing
a reality for persons with developmental disabilities.